WN *Books*

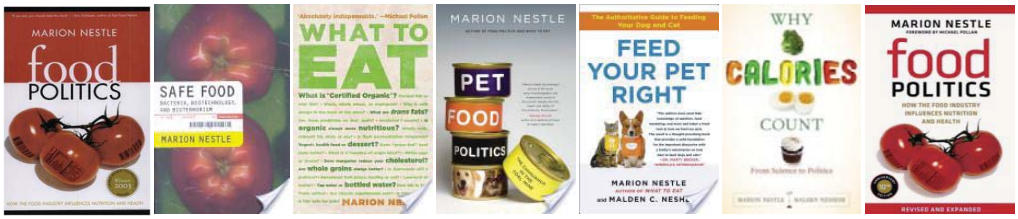
World Nutrition **Volume 4, Number 5, May 2013**

Journal of the World Public Health Nutrition Association
Published monthly at www.wphna.org

Marion Nestle

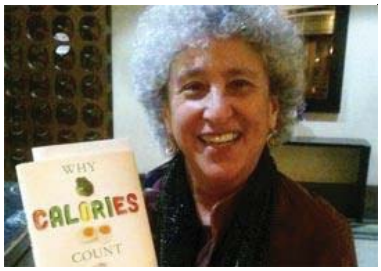
Food is a political issue

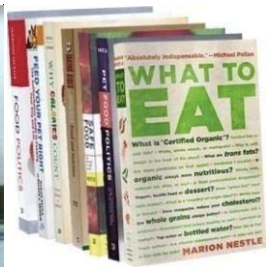
Marion Nestle
Department of Nutrition, Food Studies, and Public Health
New York University, NYC, US
Website: http://www.foodpolitics.com/
Twitter: MarionNestle@marionnestle



Marion Nestle's six books: Food Politics (2002), Safe Food (2003), What to Eat (2007), Pet Food Politics (2008), Feed Your Pet Right* (2010), Why Calories Count* (2012); plus the 10th year Food Politics (2013) * with Malden Nesheim

Editorial note. Right now is an extraordinary period for all who are engaged with food and nutrition, and public health and policy. This coincides with WN now in its new form. Four important and already influential books have now been published in the US. Michael Moss's *Salt Sugar Fat. How the Food Giants Hooked Us was* published in March and featured in *WN* that month. Michael Pollan's *Cooked. A Natural History of Transformation* was published last month. Thanks to Michael, *WN* published an extract, and last and this month's *WN* include appraisals of Michael Pollan's work and significance. Melanie Warner's *Pandora's Lunchbox. How Processed Food Took Over the American Meal*, was published in March, and *WN* will run an extract next month. This month, on 1 May, the tenth anniversary edition of Marion Nestle's *Food Politics. How the Food Industry Influences Nutrition and Health* is published. So here thanks to Marion, we carry its new introduction and extracts from its new final chapter, together with appreciations of Marion by Geoffrey Cannon and Michael Pollan.





Marion Nestle wrote to us from New York City. Trained as a hard scientist, for many years professor and head of department at New York University's department of nutrition, food studies and public health, advisor to the US government, her career up to close to retirement age was glittering. Then she blew the lid off the US industrial food system with the first edition of *Food Politics* (2002). A coruscating yet urbane writer, a superb speaker, a researcher with decades of experience of writing original papers, a news-hound and activist respected while feared by Big Food, Marion's website now includes 100,000 twitter followers, trenchant blogs, and sage advice. Above (left) she is with her most recent new book, and (right) with Malden Nesheim in Rio last April on the occasion of the *World Nutrition Rio2012* conference.

The heavy hitter

Geoffrey Cannon writes from São Paulo, Brazil

The Netherlands. That's where I met Marion. When, I could not remember, but Marion does. 'We met at the European Food Policy conference in The Hague in I think 1990. I gave a talk on the Pyramid. You took me out to dinner'.

Conferences on nutrition and public health in the Netherlands are typically obliging to industry. Unilever is an extremely energetic transnational corporation. I was wondering what I was doing. Then Marion presented. What style! No prisoners! Those of her slide shows I have seen are packed with revelations, appalling to the public health advocate, appealing to the journalist. Marion combines academic authority with the nose of a newshound. She strides through blizzards of papers and

reports, gets to the point and punches it home. She shows her experience as a US federal government advisor, and her deep practical knowledge of food as purchased, prepared, cooked and consumed.

Winning charm

All this though, doesn't get to Marion's most special quality, evident on her website, her features for *The Atlantic*, and *Food Politics*, and most of all in person. She is tough and also charming. She can be tetchy – a function mostly of her pace and the pressure she handles – and she is very nice to know. This is why she gets invited to the World Economic Forum, to sock it to the assembled corporate CEOs. Marion is extremely attractive, professionally and personally. If I crossed her seriously I would feel like a light had gone out of my life. Perhaps this is a competing interest!

At the Netherlands meeting, I was astounded. Sure, in the UK where I then lived, I had since the early 1980s worked with senior academics who told it like it was. John Cummings, Ken Heaton, Geoffrey Rose, and above all Philip James, all appeared on primetime television, to denounce industry practice and even government policy when they believed it was in the public interest to do so. But Marion is something else. She presents like an investigative reporter hot from the hunt, and yet with the authority of a full professor and head of a big department at a leading US university.

Confronting meat

After the Dutch chair had completed the usual pleasantries I made a bee-line for Marion, and she and I walked out of the meeting and talked and talked and agreed to stay in touch, which we have. Soon I learned from colleagues in the US that she had a reputation for being too hot to handle. Well, indeed, but why, and by whom?

Our next meeting was at the Royal College of Physicians in London, 30 September 1997. The occasion was the launch of the $US 6 million 670 page report on *Food, Nutrition and the Prevention of Cancer: a Global Perspective,* a project that had taken five years, of which I was director on behalf of the World Cancer Research Fund. WCRF, and its US sister organisation, smelled trouble, because the report stated that red meat consumed in typical quantities in countries like the UK and US was probably a cause of colo-rectal cancer. More to the point, it recommended that consumption be modest, that diets be plant-based, and specified a number in grams and ounces for red meat consumption. We knew that the meat industry and its public affairs agencies were massing against us. So we invited Marion to the London launch. This was for three reasons. First, she knew the US scene, inside out. Second, she would sock it to the media, and win any debate with the force of facts and evidence and her forensic skill. But third, we bet there would be no public confrontation. Once the meat processors knew she had hit town they would back off. This strategy worked.

After our Hague meeting I sent Marion my tome *The Politics of Food,* published in 1987. Even at that time I felt a little sheepish about the title, because the revelations of government and industry hanky-panky concerned only the UK. Around the turn of the century, Marion with great charm said: 'I am going to steal the title of your book'. OK, I said, the title is grandiose, it's only about the UK. Did I sense that I was handing the baton to a champion from the big country? Marion took me into the NYU bookshop on 8 July 2002 and inscribed *Food Politics* for me.

Later that month I was on vacation in Brazil, and can claim to be the first to read the first edition of Marion's first book in Ouro Preto, a city once the greatest and richest in the Americas. Is this why I moved to a big country, now on the up?

The game changer

Michael Pollan writes from Berkeley, California

On even the shortest shelf of books dedicated to explaining the US food system, Marion Nestle's *Food Politics* deserves a place of prominence. When I teach a course on writing about food, the book is on the syllabus. On my shelf, its white and fire-engine red spine is by Eric Schlosser's *Fast Food Nation*, Wendell Berry's *The Unsettling of America*, Harvey Levenstein's *Paradox of Plenty* and Rachel Carson's *Silent Spring*. It is a founding document of the movement to reform the American food system.

I first read *Food Politics* while researching *The Omnivore's Dilemma*. The book helped me connect the dots between what I was observing in the farm fields (vast monocultures of corn and soy, spreading like a great lawn across the American middle west) and what I was finding in the supermarket (endless aisles of processed foods, most of them sporting improbable health claims). In sentences that were almost breathtaking in their bluntness, Marion methodically laid out the business model of the entire US food industry. How? By proceeding like any good investigative journalist and following the money, rather than the industry's self-justifying rhetoric.

Eat! Eat!

Here, in a nutshell, is her account of how the whole game works: Since the 1970s, Americans farmers have been producing an overabundance of calories – 'the great unspoken secret…and a major problem for the food industry'. The industry's dilemma is that the average American can only eat so much of that food – about 1500 pounds a year – and the total number of eaters in this country is growing by only one or two percentage points a year. Yet Wall Street demands that food corporations grow at a considerably faster rate. What to do? Add 'value' to cheap raw ingredients by transforming a few pennies of grain into five dollars of breakfast

cereal, spend billions to market these products as aggressively as possible (to children by using sugar and cartoon characters and to parents with dubious health claims), use every trick of food science and packaging to induce us to eat more, and then, just to make sure no one tries to interfere with this profitable racket, heavily lobby Congress and nutrition scientists to keep anyone in power from so much as thinking about regulation or officially whispering that maybe we should eat a little less of this stuff.

Marion Nestle peels back the layers of official obfuscation and self-serving rhetoric to expose the fundamental political-economic reality of it all, and then spell it out in straightforward declarative sentences. An academic nutritionist with a degree in molecular biology, she brings the analytical tools of the scientist and the skepticism of the seasoned political observer to the task. This last perspective traces to her time spent working deep in the belly of the beast, serving as a nutrition policy advisor to the US Department of Health and Human Services. Charged with editing the Surgeon General's *Report on Nutrition and Health* (1988), 'My first day on the job, I was given the rules: No matter what the research indicated, the report could not recommend "eat less meat" as a way to reduce intake of saturated fat, nor could it suggest restrictions on intake of any other category of food'.

Utterly convincing

She brings an unusual authority to her analysis of the food industry, as well as ample documentation. The result is a book that is utterly convincing, that has proven impossible for the industry to refute. Its response to the book has relied heavily on name-calling ('the food police') and even threats of litigation. What other academic nutritionist has struck such fear in the heart of Fortune 500 corporations?!

Ten years after the publication of *Food Politics*, much has changed in the cultural and political landscape surrounding food, in no small measure due to the influence of this book. Today the industry finds itself operating in the uncomfortably harsh glare of public scrutiny. The industry's culpability in the nation's public health crisis is no longer a subject of debate. It has responded by attacking its critics, sometimes ferociously, and yet also by promising to reformulate its products to make them 'healthier,' often under the rubric of 'public-private partnerships'.

When *Food Politics* was first published a decade ago, the marriage of those two words – food and politics – seemed surprising, even radical. What was political about food? Everything, it turns out. We didn't know that then. Now, thanks to this book and all the work it has inspired, the words 'food' and 'politics' have become inseparable.

Extracted and edited from Michael Pollan's foreword to the new edition of Food Politics.

Food Politics
Standing up and speaking out

US culture includes 'rugged individualism' of which John Wayne is an icon: freedom to do whatever you want, no matter what. But others are involved

Marion Nestle's new preface to Food Politics – edited extracts

In 2002, the idea that food and beverage marketing might influence food choices seemed surprising and, to the food industry and its supporters, alarming. Food choices, they said, were entirely a matter of personal responsibility. Obesity was the evident result of poor dietary choices and too little physical activity. Its solution? Get a grip. Personal choice erupted as the principal argument against *Food Politics* before it had even been published.

Two weeks before the book appeared in bookstores, three anonymous individuals posted highly critical reviews on Amazon.com. These accused me of blaming the food industry for what ought to be matters of individual free will. 'Nestle forgot a not-so-little thing called WILL POWER!' said the first review. 'Marion Nestle, one of the foremost food nannies in this country, has produced a book that heaps the blame for obesity, diabetes, and heart disease on food producers, marketing executives, and even school principals. Everyone, it seems, is responsible for those love handles except for the very people who are carrying them around.' From reviewer #2: 'Individuals incapable of thinking for themselves will truly appreciate . . . *Food Politics*. [Hasn't the author] ever heard of personal responsibility, exercise, and appropriate dieting?' And from reviewer #3: 'Marion Nestle's book *Food Politics* makes clear that

the political system she favors is dictatorship—with her in command. . . . The author's motto could be "if it tastes good don't eat it".'

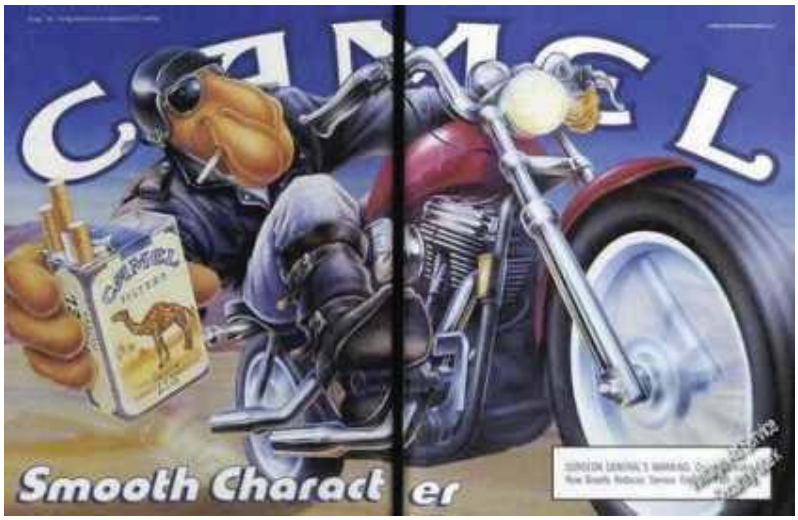
Sheldon Rampton, the coauthor of *Toxic Sludge Is Good for You: Lies, Damned Lies, and the Public Relations Industry,* who I still have not met, responded on Amazon. He said 'Potential readers should note that the first three "reader reviews" are pretty obviously cranked out by some food industry PR campaign. They were all submitted on the same day, February 22…They all hit on the same food industry "message points": that critics are "nagging nannies" whipping up "hysteria" on behalf of "greedy trial lawyers," etc. February 22 is also the date that noted industry flack Steven Milloy of the 'Junk Science Home Page' wrote a review trashing Nestle's book. Milloy is a former tobacco lobbyist and front man for a group created by Philip Morris, which has been diversifying its tobacco holdings in recent years by buying up companies that make many of the fatty, sugar-laden foods that Nestle is warning about'. It irritates me to see the food industry's PR machine spew out the usual [. . .] every time someone writes something they don't like. If they hate her this much, it's probably a pretty good book'

Whose responsibility?

Similar attacks on my work and opinions continue to this day. I write an almost daily blog at www.foodpolitics.com. I welcome comments from readers. Most send in thoughtful comments well worth reading whether or not they agree with me. But the blog quickly acquired resident 'trolls,' anonymous critics using pseudonyms and false, untraceable e-mail addresses who systematically attack what I say.

The exchange also raises many of the issues still hotly debated today: Is obesity strictly a matter of personal responsibility or does the food marketing environment have something to do with it? Do food and beverage companies bear some responsibility for the food choices of individuals? Is food marketing – an enterprise that promotes the social acceptability of eating food in large amounts anytime and anywhere – a determining factor in obesity? To what lengths may the food industry go to attack critics and engage in actions to protect sales of its products and growth in corporate profits? Should the government set limits on food industry actions in order to make it easier for people to eat more healthfully?

I first began thinking seriously about such questions in the early 1990s when I attended a conference in Washington, DC sponsored by the National Cancer Institute. The purpose of the conference was to focus attention on behavioral causes of cancer – cigarette smoking and dietary choices. One after another, the anti-smoking speakers showed slides illustrating worldwide marketing of cigarettes. No region, from high in the Himalayas to the jungles of Africa, was too remote to be free of cigarette advertising. In those days of Joe Camel advertising, one speaker showed slide after slide of cigarette marketing deliberately aimed at young children.



Joe Camel: a long-running campaign aimed to glamorise tobacco and to attract young people to smoke. Big Food now mounts similar propaganda

I was well aware of the health consequences of cigarette smoking, and I had seen such advertisements. But, I realized, I had never paid much attention to them. These slide presentations were designed to encourage cancer researchers to notice the ubiquity of cigarette advertising and to understand its effects. I left the meeting convinced that public health nutritionists like me ought to be doing the same thing for soft drink and fast food marketing. So I began to write the articles that form the core of *Food Politics*. I hoped that to encourage people to stop thinking about food companies as what they are. The primary goal of food companies is to sell products, increase returns to investors, and report quarterly growth to Wall Street. Food companies can argue that what you eat is your responsibility, but their corporate responsibility is to induce you to buy more food, not less. Eating less – a principal strategy for managing weight – is very bad for business.

Colossal power

We are human. We eat what we buy. *Food Politics* is about how food and beverage companies encourage us to buy more and eat more. The US food supply provides close to 4,000 calories a day per capita, an amount roughly twice average need. To meet Wall Street's demands for corporate growth, food companies lobby government agencies, forge alliances with health professionals, market directly to children, sell junk food as health food, and get laws passed that favor corporate health over human health. As part of the normal course of doing business, the food industry has changed society, in ways that have encouraged us to eat more food, more often, in more places, and that have actively discouraged us from making more healthful choices. Against such efforts – and billions of dollars in annual marketing – personal responsibility doesn't stand a chance.

Sugared breakfast cereals: these are now advertised and marketed relentlessly to children and their parents; some even are implying that they are healthy

The role of the food environment in dietary choice is well recognized by public health and government officials. First Lady Michelle Obama initiated her *Let's Move* campaign to address childhood obesity by improving the environment of food choice, specifically in schools and in low-income neighborhoods. She is the most prominent manifestation of today's rapidly expanding food movement. The great range of issues it embraces all seek morally, ethically, and sustainably healthful alternatives to our current system of food production and consumption. Its effects can be seen in removal of junk foods from schools, and introduction of fresh fruits and vegetables into inner city areas. They also can be seen in attempts to tax and restrict the size of sodas, remove toys from fast food meals for children, and permit marketing only of foods that meet defined nutritional standards.

The success of the movement can be measured by the intensity of pushback by the food and beverage industry. Its trade associations are working overtime to deny responsibility for obesity, undermine the credibility of the science linking their products to poor health, attack critics, continue to market to young children, fight soda taxes, and lobby behind the scenes to make sure that no local, state, or federal agency imposes regulations that might impede sales. Food companies unable to increase sales in the United States have moved marketing campaigns for their products to emerging economies in Asia, Africa, and Latin America, with predictable effects on the body weights and health of their populations.

Yet now is a thrilling time to be an advocate for better food and nutrition, for the health of children, and for greater corporate accountability. Plenty of food issues are worth working on, and plenty of groups are working on them. Join them. Eating more healthfully, and encouraging others to do, can improve lives and is thoroughly consistent with the best practices of democratic societies.

Food Politics
Our children are not protected

The 'free market' of almost completely unrestricted freedom for Big Food, is wrecking nations' health. With young children, this disgrace is outrageous

Marion Nestle's new final chapter of Food Politics – edited extracts

Food choices are political as well as personal. In 2002, as mentioned above, reactions in the US to this idea ranged from surprise to outrage: How dare anyone suggest that food choices could be anything other than a matter of personal responsibility. Today, the food industry's economic imperatives to increase sales in a hugely competitive marketplace are better understood, as are the ways in which such business pressures have created an 'obesogenic', 'eat more' food environment. This environment makes food ubiquitous, convenient, and inexpensive, and also socially acceptable to be consumed frequently, anywhere, and in large amounts. While many of these aspects may appear beneficial – it's economically advantageous to have ample food available at relatively low cost – the overall effect of this environment is to induce 'mindless' consumption of far more calories than are needed or noticed.

Also increasingly recognized are other results of this environment. Overweight has become the new norm among adults and children, not only in the United States but throughout countries of the global South as well as the fully industrialized world. In almost all but the most desolate or war-torn countries, the number of overweight people now equals or exceeds those who are hungry and malnourished, a trend related to the increasing marketing of processed foods and drinks to people in middle- and low-income countries. The worldwide costs of obesity, personal and economic, now and even more in the future, are estimated to be staggering.

Let's move – where?

US First Lady Michelle Obama has made obesity her issue. The Let's Move campaign is however mostly about physical activity, keeping Big Food happy

One response to such consequences has been the emergence of national and international movements to promote more healthful diets, especially among children. These movements take many forms and have goals that address food production as well as consumption. They aim to promote local, seasonal, sustainable, organic, and more environmentally sensitive food production, but also to reverse obesity trends by improving school food, restricting food marketing to children, taxing sodas and fast food, and limiting food portion sizes. The increasing strength of these movements is most evident in how seriously the food industry responds to them.

But then and later, whenever government agencies attempted to enact anti-obesity measures promoted by the White House's own *Let's Move* campaign championed by First Lady Michelle Obama, they encountered systematic and heavily funded industry opposition. In April 2012, Reuters published results of an investigation into the effects of this opposition in 'How Washington went soft on childhood obesity.'

They stated: 'In the political arena, one side is winning the war on child obesity. The side with the fattest wallets…At every level of government, the food and beverage industries won fight after fight during the last decade. They have never lost a significant political battle in the United States despite mounting scientific evidence of the role of unhealthy food and children's marketing in obesity. Lobbying records analyzed by Reuters reveal that the industries more than doubled their spending in Washington during the past three years. In the process, they largely dominated policymaking, pledging voluntary action while defeating government proposals aimed at changing the nation's diet'. Why this dismal conclusion? Here follow four examples, all of which relate to the impact of industry policy and practice on disadvantages communities and on children, as well as on the population in general.

Obesity

Obesity. Most people in the US now are overweight or obese. Particularly troublesome are rates among blacks, Hispanics, young people and the poor

By 2012 the prevalence of obesity in the United States had become relatively stable among adults and children, although it remained highest among blacks and Hispanics, and was still rising among adolescent males. Economists estimate the annual cost of obesity to Americans – direct through illness and indirect through lost wages and productivity – at $190 billion a year.

Government officials examined their mandates to see what actions they might take to control obesity and its health and economic consequences. Although they continued to use educational strategies, they also looked for methods to change the food environment. The food industry views educational approaches as relatively uncontroversial because they are phrased in euphemisms. They can easily be countered by advertising, and have little impact on food choice. Changing the food environment, however, is another matter. Judging from the intensity of industry pushback, food and beverage companies view environmental approaches as far more threatening.

Much of the support for the pushback – and plenty of it exists – derives from decidedly different views of the appropriate role of government in food choice. Is eating behavior and, therefore, body weight solely a matter of personal responsibility? Or does government have some responsibility for promoting the nutritional health of its citizens?

Marketing to children

The 'free choice' argument does not work when young children are involved. So industry's defence of its advertising to children is clever and insidious

Do food and beverage corporations have constitutional First Amendment rights to market products and lobby federal agencies however they please, or does government have the right to set limits on what food companies say and do? Proponents of government intervention (I am one) argue that the government already plays a major role in food choice, so much so that its current policies actively promote obesity by fostering an 'eat more' environment. Policies and laws are set by people. They are not immutable. Given political will, the current 'eat more' policies could be changed to those that promote 'eat less' and 'eat better.' Such changes, however, risk substantial opposition not only from the food industry, but also from Americans who believe that government should have no role in food choice, as these next examples illustrate. I begin with the marketing of food products to children and tell this story in some detail.

Need for regulation

Because the personal responsibility argument does not apply to children too young to distinguish sales pitches from information, marketing to children has become the industry's Achilles heel. It crosses ethical boundaries and makes companies vulnerable to advocacy challenges. Food companies are working hard to appear to be part of the solution to childhood obesity, not its cause.

In July 2003, Kraft Foods became the first US company to publicly appear to accept responsibility for childhood obesity. It announced new anti-obesity initiatives in an exclusive front-page story in *USA Today*. Kraft promised to set standards for

marketing practices, to eliminate in-school marketing, and only to advertise its 'healthier-for-you' products to children ages 6 to 11. Such promises sound hopeful, but no mechanism exists to hold companies accountable for them. The lack of accountability is especially a problem because Kraft said it would continue to display cartoon characters on product labels, and would not reduce its $80 million annual expenditure on advertising to children. Later, Kraft joined other companies in an Alliance for American Advertising aimed at protecting the industry's First Amendment right to market to children and to self-regulate rather than be regulated.

The White House Obesity Task Force's food marketing objective warned the industry to self-regulate 'or else', stating: 'The food and beverage industry should extend its voluntary self-regulation to restrict all forms of marketing to children. If this does not happen, federal regulation should be considered'. By voluntary self-regulation, the Task Force was referring to the industry's Children's Advertising Review Unit (CARU), which has issued voluminous guidelines about advertising to children since the 1970s. Its guidelines are voluntary, and advocates have no trouble finding examples of advertisements to children that violate one or another of the CARU precepts. Even within the industry, some people charge that self-regulation forces self-demonization and weakens the food industry's long-held stance that all foods are acceptable in moderation. Overall, analysts question whether any self-regulatory program can be effective if it goes against industry interests.

The Federal Trade Commission (FTC) is the federal agency responsible for regulating advertising. In 2005, the Institute of Medicine (IOM) issued a report that challenged the FTC to rein in food marketing to children. This report, *Food Marketing to Children and Youth: Threat or Opportunity*, makes chilling reading. Its research review established unambiguous links between food marketing and children's food preferences and requests, eating habits, and bodyweight. The report's inescapable conclusion is that selling food to children is big business and much effort goes into it. The IOM issued a warning: companies must voluntarily regulate themselves within two years or 'Congress should enact legislation mandating the shift.'. Yet six years later, the White House Obesity Task Force was recommending the same 'or else.'

Freedom of commercial speech

Why so little progress? In the United States, decades of attempts to regulate marketing to children have been blocked by industry invocations of self-regulation and of First Amendment protections of commercial speech. These attempts began in 1970, when Action for Children's Television, already concerned about the effects of commercials on children's food choices, petitioned the Federal Communications Commission (FCC) to ban advertising during children's programming; the FCC observed that children's television depends on advertising and denied the petition. In 1978, the FTC proposed banning television advertising to children under age 8 and

restricting advertising of sugary foods to children of any age. This proposal elicited so much protest that Congress fired the FTC Chairman and passed the FTC Improvement Act of 1980 to permanently block the agency's authority to regulate advertising to children. Ten years later, Congress passed the Children's Television Act, which restricted commercials during children's weekday programs to 12 minutes per hour and during weekends to 10.5 minutes per hour. These generous 'limits' are still in effect.

In 2006, the American Academy of Pediatrics (AAP) said self-regulation wasn't working and called for federal regulation. It said that the First Amendment allows 'advertisements [to] be restricted or even banned if there is a significant public health risk. Cigarette advertising and alcohol advertising would seem to fall squarely into this category, and ads for junk food could easily be restricted'. This time, *Advertising Age* told the industry to fight back. It gave some strategic advice. Food marketers should stop making spurious claims for health benefits: 'functional' drinks are 'practically begging for regulation'. But then it warned food companies 'to stop hiding behind self-regulation and put responsibility for children's diets squarely where it belongs – on parents'

The alleged rationale for reluctance to regulate the marketing of junk foods to children is First Amendment protection of free speech. For decades, the courts have interpreted this protection as applying to commercial speech – advertising and marketing – as much as to political, artistic, and religious speech. Thus, the IOM's and the Task Force's 'or else' demands must be viewed as calls for reinterpreting the First Amendment to permit Congress to control advertising to children. The level of resistance to be expected to such calls was evident from remarks made by the head of the FTC at a 2005 workshop on obesity and advertising: 'I want to be clear that from the FTC's perspective, this [workshop] is not the first step toward new government regulations to ban or restrict children's food advertising and marketing. The FTC tried that approach in the 1970s, and it failed for good reasons'.

Frustrated by legislative inaction, lawyers and legal advocacy groups began exploring ways to use legal strategies to address childhood obesity. They also began to publish interpretations of the First Amendment based on psychological research demonstrating how children are misled by food advertising. On this basis, they urged the FTC to use its constitutional authority to set some limits on food marketing to children.

The FTC responded in 2006 by urging CARU to take more forceful actions and to develop nutrition standards for foods marketed to children. In 2007 it reviewed the extent of televised food advertising to children. In 2008 it published an analysis of food industry annual expenditures on marketing to children (estimated at $1.6 billion) and the status of self-regulation. This last study, and those of later

researchers, reported that the industry had made some useful changes but these paled in comparison to the marketing efforts that were still targeting young children.

Obama administration moves

When the Obama administration took office, advocates hoped that the FTC would take action on this issue. In 2009, Congress ordered the FTC to establish an Interagency Working Group on Food Marketed to Children (IWG), with representation from the four relevant federal agencies – the FTC, the Food and drug Administration (FDA), the US Department of Agriculture (USDA), and the Centers for Disease Control and Prevention (CDC). The group was to establish nutrition standards for foods that could be marketed to children by July 2010.

When the IWG issued preliminary standards in December 2009, I found them disappointing. They were intended to be voluntary and would not need to be implemented for six years. Even then, food companies would be able to market whatever they liked to children with minimal exceptions – products for which one serving contained more than one gram of saturated fat, one-half gram of trans fat, 13 grams of sugars, or 200 mg sodium (half a gram of salt).

Even so, these limits would prevent companies from marketing thousands of their most highly profitable products to children. The industry immediately began lobbying. When July 2010 came and went without the final IWG report, the press explained the delay as a result of food industry opposition. Food marketers and media companies had created a 'grassroots' organization, the Sensible Food Policy Coalition, to do the lobbying. They framed the IWG standards as an assault on the First Amendment that would also result in substantial job losses at a time of high unemployment, and were reported to have spent $37 million on such efforts.

In April 2011, the FTC opened the IWG standards, still written as preliminary and voluntary, to public comment. David Vladeck, Director of the FTC's Bureau of Consumer Protection, rebutted industry charges against them, which he categorized into twelve myths. Here are three examples.

The FTC plans to sue companies that don't adopt the Working Group's proposed nutrition principles. Not so. The Working Group's job is to submit a report to Congress. That's all. That's what Congress told the group to do. A report to Congress by an interagency working group provides no basis for law enforcement action by the FTC or by any of the other agencies participating in the Group.

The Working Group's proposal is regulation by the back door.. This is a report to Congress, not a rulemaking proceeding, so there's no proposed government regulation. In fact, the FTC Act explicitly forbids the Commission from issuing a rule restricting food advertising to children. So the FTC couldn't issue a rule on this subject if it wanted

to, which it doesn't. Simply put, a report like this can't be a rule – whether it's delivered to Congress by the front door, the back door, or the kitchen door.

The proposal violates the First Amendment. At the risk of being redundant, a report to Congress containing recommended nutrition principles can't violate the Constitution. A report is not a law, a regulation, or an order, and it can't be enforced. While we hope companies voluntarily choose to adopt the principles (when finalized), there's no legal consequence if they don't. So there's no effect on their free speech rights.

So, given that all of this is true, why would four federal agencies get together to write standards in the first place? Whereas advocates viewed the standards as a critical step in the right direction, food companies viewed even these weak, voluntary standards as a threat. In September 2011, the Center for Science in the Public Interest (CSPI) collected signatures from 75 health advocates (including me) for a letter to President Obama urging release of the standards. In October, the House Energy and Commerce Committee held hearings to air criticisms of the standards, based on a highly critical memo prepared by committee staff. The FTC's testimony at that hearing suggested that the agency was backing off from its IWG proposals:

Quote. 'As a result of the many comments we received from various stakeholders… FTC staff has determined that, with the exception of certain in-school marketing activities, it is not necessary to encompass adolescents ages 12 to 17 within the scope of covered marketing….In addition… philanthropic activities, charitable events, community programs, entertainment and sporting events, and theme parks are, for the most part, directed to families or the general community and do not warrant inclusion with more specifically child-directed marketing. Moreover, it would be counterproductive to discourage food company sponsorship of these activities to the extent that many benefit children's health by promoting physical activity'.

The White House backs off

Representative Henry Waxman (Dem-CA) compared Republicans opposed to the IWG standards to defenders of cigarette smoking. Both groups were acting on behalf of campaign donors. If so, the donations paid off. In December, the House inserted language in the Appropriations Act requiring the IWG to conduct an analysis of relative costs and benefits before issuing standards, a move that would, if nothing else, delay their release for many months

By this time, I was hearing rumors that the White House had given up on the IWG proposals, judging them too controversial in an election year. According to Reuters, White House logbooks documented frequent meetings with food company executives who opposed government action on nutrition standards. Neither the President nor First Lady had spoken out in favor of the IWG recommendations, suggesting that the White House had acceded to industry demands.

School meals

School meals are big business too. Pizza suppliers have pressed hard to have their products defined as vegetables, so as to get that coveted 'healthy' label

The IWG report was about nutrition standards for advertising. What about nutrition standards for school meals? For all of the reasons why food marketers are in schools in the first place – a large, captive, impressionable audience with influence – schools are prime targets for obesity intervention. Parents, teachers, and food service directors in schools across the country have transformed meal programs to deliver healthier food along with classroom and field instruction about how food is produced. Effective and important as these efforts may be, they must be instituted school by school and depend more on individuals than policy.

That is why *Let's Move's* goals for improving school food were so important, especially those aimed at updating nutrition standards and applying those standards to all foods offered and sold in schools.

The Child Nutrition and WIC (Women, Infants, and Children) Reauthorization Act of 2004 required each local school district to develop a wellness policy by 2006. These policies were to include nutrition guidelines and goals for nutrition education and physical activity. But the legislation granted no funding for such purposes. Because it left the details of implementation up to school districts, the resulting policies were inconsistent. In 2006, the Clinton Foundation brokered an agreement with five leading food manufacturers to set nutrition standards for snacks sold in schools, but these left plenty of room for some salty snacks and sugary beverages to be sold in vending machines. In part to resolve the inconsistencies, Congress asked for development of new nutrition standards, a task assigned to the Institute of Medicine (IOM). IOM committees produced recommendations in reports published in 2007 and 2009.

The 2009 report called for aligning school meals with the official national Dietary Guidelines, using a mixture of food-based and nutrient-based standards. USDA standards for school meals would increase the amounts of fruits, vegetables and whole grains (food-based standards), but reduce amounts of saturated fat, sodium and calories (nutrient-based standards). The IOM's food-based advice was to encourage students to try new vegetables by establishing weekly requirements for dark green and orange vegetables and legumes, but to set limits – of one cup a week – on starchy vegetables such as white potatoes, corn, lima beans, and peas.

In 2010, Congress passed the Healthy, Hunger-Free Kids Act. This drew on the IOM report requiring the USDA to establish nutrition standards for all food sold and served in schools, not only at breakfast and lunch, but also at any time during the school day. USDA immediately started on the rulemaking process, basing its proposed rules on the IOM's 2009 recommendations. The proposals specified the number and size of servings of fruits, vegetables, meat, dairy, and grains (food-based). They also specified nutrient-based standards for limits on saturated fat, *trans* fat, sodium, and calories.

These, however, must have been difficult for menu planners to implement as can be seen from a comparison of menus based on the old and new standards. The old menus included 'kids foods' such as pizza sticks and breaded beef patties. The new menus called for real foods, some of which – jicama, kiwi, and grape tomatoes, for example – might seem exotic to kids accustomed to chicken fingers. But the new menus also called for reduced-fat mayonnaise, low-fat salad dressings, soft margarines, and other techno-foods, items whose only purpose was to help the menus meet nutrient standards. As for sweetened beverages, the new standards allowed skim 'flavored' milk because otherwise, according to USDA, kids might not drink milk and would not get enough calcium – a result of nutrient-based standards.

Following the IOM recommendations, USDA's proposals limited starchy vegetables to one cup per week. This provision displeased potato growers. The Potato Council, a trade group, held a press conference at which senators from potato-growing states warned USDA to rewrite the proposed rule or face legislative intervention. Before the USDA could do anything about this threat, the Senate placed an amendment in the 2012 agriculture spending bill: 'None of the funds made available by this Act may be used to implement an interim final or final rule that…sets any maximum limits on the serving of vegetables in school meal programs'.. Schools could now serve French fries as often as they pleased.

Amendments also addressed other provisions in the proposed standards. One dealt with tomato paste. Previous USDA standards allowed tomato paste, alone among fruits and vegetables, to have 1/8 cup counted as a vegetable serving (others required at least half a cup). In the new standards, USDA proposed to make tomato paste

meet the same volume requirements as other fruits and vegetables. The Senate took care of that one too: 'None of the funds made available by this Act may be used to…require crediting of tomato paste and puree based on volume.' Reporters documented the 'slick PR campaigns' that led to these amendments. Eddie Gehman Kohan wrote on the website Obama Foodorama:

Quote. 'School meals are a high-profit market for major food corporations….Thus in the last year, powerful food companies, agriculture lobbies, and various coalitions of lawmakers have allied in battles over each food area that USDA sought to restrict…ConAgra and the giant, privately held Schwan's, which sell millions of processed school meals, including pizza, have funded the 'Coalition for Sustainable School Meal Programs', which includes a website with a campaign called 'Fix the Reg', asking parents and other 'interested parties' to contact USDA and lawmakers to demand changes to the school nutrition rule. This group was especially interested in keeping USDA's current designation of tomato paste as a 'vegetable' intact, something many nutritionists have argued makes poor sense.

Veteran *New York Times* columnist Marian Burros, also writing on Obama Foodorama, pointed out that 'Pizza purchases from schools account for the largest part of Schwan's $3 billion in annual sales, so it is not surprising that Democrat Amy Klobuchar, the company's home-state Senator, sent a letter to USDA warning them to leave the pizza standard alone'. Thus the Senate, in an act that reminded Burros of the 'ketchup is a vegetable' scandal of the Reagan era, defined pizza as a 'vegetable' in school meals. The Senate intervention also sent a message: if food companies do not like federal regulations, the way to block them is to go straight to Congress.

Despite the effects of these amendments on Mrs Obama's *Let's Move* initiatives, the President signed the appropriations act on November 18, 2011. After dealing with 132,000 comments on the proposals, the USDA released new nutrition standards in January 2012, without the potato and tomato proposals. Of the tomato paste dispute, USDA said 'Although this specific proposal was intended to promote consistency and improved nutrition by crediting all fruits and vegetables (and their concentrates, purees, and pastes) based on volume as served, this final rule must comply with the statutory provision. Accordingly, this final rule disallows the crediting of any snack-type fruit or vegetable products, and continues the crediting of tomato paste and puree as a calculated volume'.

Leaving the Senate's intervention aside, most observers counted the new nutrition standards as an important accomplishment of *Let's Move*. Schoolchildren would be eating more fruits and vegetables, a greater range of vegetables, more whole grains, and low-fat milk. Only non-fat milk would be flavored. These may not sound like major achievements, but in this political context they are. Even better, nutrition standards would now apply to competitive foods – snacks and drinks – sold outside the school meals programs.

Sugared soft drinks

Consumption of soda (sweetened carbonated soft drink) in the US is colossal. The case for tax to slow sales and raise revenue for public health is strong

The White House Obesity Task Force said: 'Study the effects of state and local sales taxes on calorie-dense foods'. 'Study' may seem waffling, but tax policies were demonstrably effective in discouraging cigarette smoking. In 2000, Michael Jacobson of the Center for Science in the Public Interest, and Kelly Brownell of Yale's Rudd Center, proposed that taxes on soft drinks and junk foods might be acceptable to the public if used to fund health programs. Since then, both have continued to publish articles on the increasingly strong association of habitual consumption of sugary drinks with poor diets and obesity and the potential role of taxes in discouraging such consumption.

By 2012, more than one hundred groups and individuals (including me) called on DHHS to produce a Surgeon General's report on soda consumption equivalent in authority to Surgeon General's reports on smoking: 'Soda and other sugary drinks are the only food or beverage that has been directly linked to obesity, a major contributor to coronary heart disease, stroke, type 2 diabetes, and some cancers, and a cause of psychosocial problems…Yet, each year, the average American drinks about 40 gallons of sugary drinks, all with little, if any, nutritional benefit'.

Researchers also published systematic reviews arguing that taxes on sugary drinks were justified historically, and would produce substantial economic benefits as well as improvements in public health. Even USDA economists considered this strategy. They wrote that increasing the price of sugary drinks by 20 percent could cause an

average reduction of about 40 calories a day, a number that could lead to a weight loss of about 4 pounds per year and an overall reduction in the prevalence of obesity in both adults and children.

A 2008 review of state tax policies indicated that sales taxes were generally higher for soft drinks than for snack products. In states that imposed sales taxes on sodas, the taxes ranged from a low of 1.23 percent (in both grocery stores and vending machines) to a high of 7 percent (grocery stores) and 8 percent (vending machines). The study counted 28 states that already taxed soft drinks at a higher rate than foods, indicating the 'disfavored' status of these products. At that time, no states had passed laws imposing excise taxes on soft drinks, and not only because such taxes are regressive. The more important reason was lobbying by the grocery industry. This industry had successfully lobbied against excise taxes on sodas and snacks in the late 1990s and continued to 'contribute heavily to election campaigns to dissuade such taxation at the state level.'

The White House Obesity Task Force had suggested merely that soda taxes were worth studying. Others thought that the idea had been studied enough. Late in 2008, for example, New York State governor David Paterson, faced with an enormous budget deficit, suggested an 18 percent tax on soft drinks (but not diet sodas, juices, milk, or water). By increasing the price of sodas, he said, the tax would discourage people, especially children and teenagers, from excessive consumption, and the state would use the revenues specifically for health care initiatives.

As the *New York Times* understated the matter, the proposal caused a 'spirited debate'. The American Beverage Association (ABA) argued that taxes like these hurt the middle class and would cause job losses. It promised a major lobbying effort, which it soon delivered. According to Reuters, soda companies spent nearly $13 million to lobby against the bill. By February 2009, Governor Paterson had backed off the idea. Well aware that the legislature was unlikely to pass the bill, he said he had suggested it to create a conversation: 'The tax on soda was really a public policy argument…In other words, it's not something that we necessarily thought we would get. But we wanted the population to know some issues about childhood obesity'.

Paterson told the Reuters reporters that soda makers bought off lawmakers with donations and advertising even in districts where 40 percent of minority children were overweight or obese. 'We ran into the machine the way anti-smoking activists did in the early '60s…It's not a fight you're going to win right away'. Therefore, he tried again in 2010, this time with a different tactic to gain the support of legislators: linking the tax to an exemption on state taxes for diet sodas and bottled water. This too failed in the face of soda industry lobbying and public relations. In 2009, Coca-Cola and PepsiCo were reported to have spent more than $9 million each, and the American Beverage Association another $19 million, on lobbying against state soda taxes, and millions more in campaign donations for this purpose.

The campaign against soda taxes was remarkable for the sophistication of its public relations efforts. In just the first four months of 2010, the ABA spent $9.4 million to oppose New York's soda tax, all but $120,000 of it going to the public relations firm, Goddard Claussen. This firm is best known for its creation of the commercials that led to the downfall of president Bill Clinton's plan for reforming health care. To oppose soda taxes, Goddard Claussen created a sham grassroots organization, 'New Yorkers Against Unfair Taxes', and boasted of its having recruited more than 10,000 citizens and 158 businesses into that effort. Goddard Claussen framed the soda tax initiative, not as something to improve health, but as a 'fat tax', a term likely to resonate with anti-government sentiments.

The failure of the New York soda tax initiative did not discourage other states and communities from attempting to pass such laws. As of mid-2012, at least 30 states had initiated such attempts. All failed, as a result of extensive soda industry lobbying, said to have cost the industry $70 million or more. Perhaps cities would have a better chance? When Richmond, California put a soda tax measure on the ballot, the ABA went to work. It funded a political campaign committee called 'Community Coalition Against Beverage Taxes', a website (registered under Goddard Claussen Public Affairs in Washington DC), and a petition campaign conducted by street teams wearing tee shirts and holding signs with anti-tax slogans, methods that Goddard Claussen also applied in other states and cities attempting to impose such taxes.

Industry rules

Obesity poses difficult challenges for food companies, caught as they are between the demands of advocates and those of stockholders. By 2012, the need for government action to reverse obesity trends had become evident on the grounds of cost alone. Action would have to go beyond public education aimed at encouraging the public to eat less and eat better. It would have to address environmental changes to make healthful choices easier – the default – and at the same time, to discourage less healthful choices.

But such proposed changes would confront substantial food industry opposition. Food companies would use their financial resources to convince the public that environmental changes are manifestations of the nanny state and infringe on individual freedom and First Amendment rights. They also would go straight to Congress to ensure the weakening or elimination of any unfavorable regulation. Both strategies were successful. Congress showed itself as willing to go against the expert advice of federal agencies and expert professional groups to act on behalf of pizza, potatoes, and tomato paste. In using such tactics, the food industry has positioned itself as a prime example of how corporations have taken control of government at the expense of public health.

Dawn is breaking

At the same time, there are reasons to be optimistic. All over the US and in other countries too, people are voting with their choice to prefer healthy foods

I am often asked how I remain optimistic in the light of the food industry's power to control and corrupt government. That's easy: the food movement. Everywhere I look I see positive signs of change. Healthier foods are more widely available than they were when *Food Politics* first appeared. Vast numbers of people, old and young, are interested in food and food issues and want to do something to improve food access and health.

The First Lady of the United States is trying to do something to improve the nutrition and health of children. I see schools serving healthier meals, more farmers' markets, more young people going into farming, more concern about humane farm animal production, more backyard chickens and urban gardens, and more attention to local, seasonal, and sustainable food everywhere I travel.

When my department at New York University started its food studies programs in 1996, we were virtually alone. Today, many colleges and universities are using food to teach students how to think critically about – and engage in – the country's most pressing economic, political, social, and health problems. Food issues are high on the agendas of local, state, national, and international governments. The media cover such issues extensively and, as one reporter told me, so many food issues demand national attention that they constitute a Full Employment Act for the reporters able to cover them.

I see plenty of hope for the future at the grassroots level. Many communities are engaged in efforts to improve school meals, reduce childhood obesity, align agricultural production with health goals, and make healthier food more available and affordable for all. These local efforts may well prove able to counter industry public relations. I see grassroots community efforts to create better and more equitable foods systems as the best expression of democracy in action—of the people, by the people, for the people. These efforts to put food politics in action are well worth doing and deserve everyone's support.

As published in the new Food Politics, this final chapter is fully referenced.

Status

How to respond

Please address letters for publication to wn.letters@gmail.com. Letters should usually respond to or comment on contributions to *World Nutrition*. More general letters will also be considered. Usual length for main text of letters is between 100 and 850 words. Any references should usually be limited to up to 10. Letters are edited for length and style, may also be developed, and once edited are sent to the author for approval.