

A spoonful of sugar

How the food lobby fights sugar regulation in the EU



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Summary

While the growing overconsumption of processed foods is fuelling a health crisis, the food industry is resisting regulation: processed foods, snacks, and drinks high in sugars have the highest profit margins.

Despite a growing body of scientific studies highlighting the connection between excess sugar consumption and obesity, heart disease, and type-2 diabetes, over the past decade the food industry has vigorously mobilised to stop vital public health legislation in this area. Health policies like mandatory sugar reductions, sugar taxes, and food labels that clearly show added sugars, would support consumers to make healthier choices. However, the leverage which food industry giants have over EU decision-making has helped the sugar lobby to see off many of these threats to its profit margins. Key trade associations, companies, and lobby groups relating to sugary food and drinks together spend an estimated €21.3 million euros annually to lobby the European Union.

This report zooms in on food industry strategies derailing effective sugar regulation in the European Union. It looks at the way the industry lobby uses channels such as free trade rules and deregulation drives to undermine existing laws, tries to influence EU regulatory bodies, sponsors not-so-independent scientific studies, champions weak voluntary schemes, and spends billions on aggressive lobbying to protect its profits at the expense of European public health.

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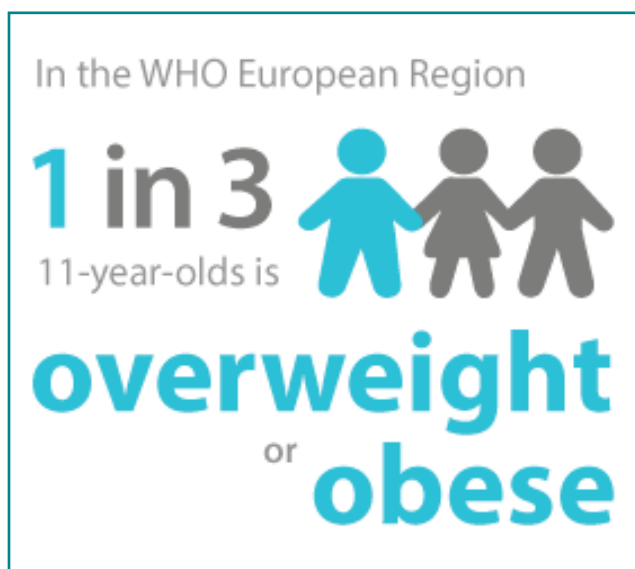
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Introduction

Over half of the population of the European Union is overweight or obese, and without action this number will grow substantially in the next decade.¹ This is both a health crisis and an inequality issue: obesity rates are rising fastest among lowest socio-economic groups, particularly women and some ethnic minorities, with maternal education levels a key indicator for the risk of childhood obesity.²



According to WHO statistics³

As a 2014 WHO report on global obesity and inequality points out, “Energy-dense foods of poor nutritional value are cheaper than more nutritious foods such as vegetables and fruit, and relatively poor families with children purchase food primarily to satisfy their hunger.”⁴ In the EU in 2014 almost ten per cent of people were not able to afford a regular quality meal every second day.⁵

While more people than ever before are eating processed foods as a large part of their diet, this is great news for industry: sugar-rich processed and snack foods have the highest profit margins, while fruit and vegetables are simply not that profitable. And the easiest way to make industrial, processed food cheap, long-lasting and enhance the taste is to add extra sugar as well as salt and fat to products.⁶ At the same time, more and more scientific evidence shows the key role sugar is playing in fuelling rocketing rates of obesity, heart disease, and type 2 diabetes, and some types of cancer, across the world.

The impact of sugar overconsumption on human health is huge. But even in cold economic terms the cost to European GDP is starting to alarm governments; for example in the United Kingdom the cost of obesity is estimated at an astonishing £27 billion per year.⁷ Meanwhile, approximately seven per cent of national health spending in EU member states as a whole is due to obesity in adults;⁸ and this is aside from indirect costs to societies such as sickness and early death, or the impacts on carers.

1 ‘Overweight And Obesity - BMI Statistics - Statistics Explained’. Eurostat, 2016. Accessed 9 July 2016. http://ec.europa.eu/eurostat/statistics-explained/index.php/Overweight_and_obesity_-_BMI_statistics

2 Belinda Loring, Aileen Robertson, ‘Obesity and inequities: Guidance for addressing inequities in overweight and obesity’, WHO Europe 2014. Accessed 9 July 2016. http://www.euro.who.int/_data/assets/pdf_file/0003/247638/obesity-090514.pdf?ua=1

3 The challenge of obesity - quick statistics, WHO Europe. Accessed 9 July 2016. <http://www.euro.who.int/en/health-topics/noncommunicable-diseases/obesity/data-and-statistics>

4 ‘Obesity and inequities’, WHO Europe, op cit.

5 Eurostat, Oct 2015, European Federation of Foodbanks. Accessed 9 July 2016. <http://www.eurofoodbank.eu/poverty-waste/food-poverty>

6 Sugars can affect a product’s sweetness, colour, fermentation, shelf-life, texture, bitterness, flavour, crystalline appearance, solubility, freezing point and boiling point.

7 ‘The Economic burden of Obesity’, National Obesity Observatory, PHE, October 2010. The figure includes not just health spending but also ‘lost productivity’ and sick days.

8 EU Action Plan on Childhood Obesity 2014-2020, February 2014. Accessed 9 July 2016. http://ec.europa.eu/health/nutrition_physical_activity/docs/childhoodobesity_actionplan_2014_2020_en.pdf

“tactics are comparable to those of the tobacco industry

Health experts and consumer groups recommend the most simple measures to tackle this health crisis are mandatory sugar reductions and sugar taxes. No wonder, that the food industry is spending millions every year in Europe to deflect attention from its products, push its own research priorities, and to forestall legislation to cut levels of sugar in processed food. Some say their tactics are comparable to those of the tobacco industry .

This report shows how food companies, key trade associations and lobby groups promoting the sugar industry, together spend an estimated €21.3 million euros annually – based on self-declared figures – to lobby the European Union. It also highlights some of the key industry lobby campaigns on sugar consumption fought in recent years; some of the biggest spending and fiercest pushed battles in Brussels have been waged by the food and drink industry to direct legislation on sugar in ways that will not negatively affect their bottom line.

As Danish MEP Christel Schaldemose told *The Economist*, “My experience is that the food and drink industry in Europe is quite strong and sometimes very aggressive.... People don’t want a nanny state, but at the same time we need to find ways to help people make more informed choices, including using the tax system. We have the toolbox to tackle this.”⁹

Not coincidentally, the sector is crucial to the EU; Europe is the world’s biggest food and drinks exporter, and food giant Nestlé is its most valuable corporation, valued at €208 billion – even more than Royal Dutch Shell.

Unfortunately the European Commission and institutions such as the European Food Safety Authority (EFSA) have been far too willing to listen to industry’s messages, reflecting their all too often overly close relationship with the food and drink industry.¹⁰ Meanwhile, many of the initi-

atives that would help Europeans eat less sugar are weak and voluntary, or even worse challenged by the EU itself when enacted at nation state level (see [The struggle for a sugar tax](#)) or complained about by industry (see [Cutting the ‘red tape’ that prevents misleading health claims](#)).¹¹ They are also threatened by trade deals the EU is negotiating (see [The sour taste of free trade](#)).

So while everyone from the Commission to the biggest food lobbyists now talk about the importance of tackling obesity and diabetes, and even sugar consumption, the devil is in the details of how – and whether – these policies are enacted. This regulatory capture has helped the sugar lobby in the EU to see off many of these threats to its profit margins over the last decade.

This report shows how the food industry uses these strategies to avoid regulation:

- **Lobbies for trade treaties that help undermine or overturn food regulations:** Trade treaties similar to the EU’s prospective deals with the US (TTIP) and Canada (CETA) have already been used to [force Mexico](#) to pay hundreds of millions in compensation for taxing sugar. Now these trade deals, heavily lobbied for by the food industry, could also [threaten Europe’s food labelling and safety regimes](#).
- **Challenges regulation through legal threats, complaints, and deregulation drives:** [Sugar taxes](#) by individual member states are often challenged and have been overturned at EU level after industry complaints. Meanwhile, new mandatory EU food labelling rules will actually [prevent listing added sugars on the packaging](#), undermining member state labelling schemes such as the one France is planning before they even begin. The

Committee’, by Corporate Europe Observatory et al, 2 March 2016. http://corporateeurope.org/sites/default/files/attachments/open_letter_to_ep_cont_members_-_cc_europe-an_commission_and_efs_a_management_board.pdf

- ¹¹ Niamh Michail, ‘European Parliament Votes To Scrap Nutrient Profiles’, FoodNavigator, 18 April 2016. http://www.foodnavigator.com/Ingredients/Carbohydrates-and-fibres-sugar-starches/European-Parliament-votes-to-scrap-nutrient-profiles/?utm_source=newsletter_product&utm_medium=email&utm_campaign=18-Apr-2016&c=AXf09B2FdvGofCOHKh2jBgveo%2FAF-D9KI&p2

⁹ ‘Confronting obesity in Europe’, *The Economist Intelligence Unit*, November 2015. <http://www.eiuperspectives.economist.com/sites/default/files/ConfrontingobesityinEurope.pdf>

¹⁰ ‘Conflicts of Interest at the European Food Safety Authority: An Open Letter to the European Parliament’s Budget Control

“EFSA said there was “not enough scientific evidence” to set upper limits for added sugars

industry has also used the excuse of ‘cutting red tape’ to [gut rules meant to prevent false health claims](#) for food products, including those laden with sugar.

- **Works towards corporate capture of regulatory bodies:** The European Food Standards Authority (EFSA) stated in its 2010 Opinion that there was [not enough scientific evidence](#) to set upper limits for added sugars, still the main reference for the Commission when asked about the sugar issue. Four out of five studies they used were industry funded. There is also heavy effort made to influence MEPs, EU groups, and national parliaments.
- **Emphasizes physical activity to avoid legislative action:** Coca Cola, Nestlé, and other food giants are [sponsors of sporting events and major exercise programmes](#), giving them a “health halo” despite [scientific evidence](#) showing exercise alone cannot compensate for the detrimental effects of sugar consumption.
- **Sponsors scientific research:** Trade lobby groups and food industry giants [sponsor research into subjects such as obesity and diabetes](#), sometimes in partnership with the European Commission. This can set industry-friendly parameters and result in publication bias. [Decades of research emphasis](#) on fat, exercise, and calorie counting has helped distract nutrition advice from the specific dangers of sugar. For example the European Hydration Institute, set up by Coca Cola, publishes research that helps the company sell soft drinks.
- **Champions weak voluntary schemes:** The Dutch Presidency of the first half of 2016 has been criticised for its Roadmap for Action on Food Product Improvement which works hand in hand with the food industry; the Roadmap emphasizes weak voluntary sugar reduction targets and public-private partnerships for industry.
- **Lobbies aggressively and spends huge sums to combat effective regulation:** Trade association FoodDrinkEurope spent approximately €1 billion in a successful campaign against a mandatory EU-wide [‘traffic light’ food labelling system](#) that is most recommended by health experts and consumer groups. Food lobbyists are also mobilising [PR tactics against sugar taxes](#). The [baby food lobby](#) tried to pass a rule that would allow almost one third of the energy in infant food products to come from sugar; it portrayed opponents as opposing bottle feeding.

In summary, in the words of German NGO FoodWatch, voluntary measures alone cannot reverse the obesity epidemic: “In the obesity crisis, the EU has not exactly covered itself with glory so far.... The European Union is supposed to solve the major, transnational challenges. The obesity epidemic is one of these challenges.... [It] should address the bigger picture, rather than focusing on a voluntary prevention measure with very limited impact.”¹²

¹² Niamh Michail, ‘Food industry backs roadmap for EU-wide reformulation’, *FoodNavigator*, 23 February 2016. <http://www.foodnavigator.com/Policy/Food-industry-backs-roadmap-for-EU-wide-reformulation>

Sweet little lies: decades of misinformation by Big Sugar

Viewed over decades, the sugar industry's tactics have many similarities to those of Big Tobacco, in the use of PR and in funding doubt and denial over the health impacts of sugar consumption.¹

The Sugar Research Foundation (now called the Sugar Association) was set up by US industry to boost public sugar consumption after the rationing of World War Two. In 1945 it awarded its first grant to a University of Minnesota Professor, Ancel Keys to "study the metabolism in man of sugar".²

Meanwhile, in the UK in the 1950s, a professor of nutrition John Yudkin began studying the effects of sugar. In 1972 his book *Pure White and Deadly* he warned that, "if only a small fraction of what we know about the effects of sugar were to be revealed in relation to any other material used as a food additive, that material would promptly be banned."

However his theories about the dangers of sugar were attacked by a rival, Ancel Keys, the very same Professor at the University of Minnesota who argued that fat, not sugar, was the culprit in illnesses such as diabetes, obesity, and heart disease. (These views are now increasingly being debunked.) Keys was a charismatic and powerful figure who did much to discredit Yudkin in the eyes of the scientific community including calling his work "propaganda".³

But it wasn't just scientific rivalry that undermined Yudkin's life's work. The sugar industry went out of its way to attack and marginalise his theories, including, according to Yudkin's own book, attempts to interfere with the funding of his research and its publication.

In 1979 Yudkin sued the World Sugar Research Organisation after it described his work as "science fiction"⁴ (the [WSRO](#) is the European wing of the Sugar Association; both continue their work to this day, claiming "sugar is an important part of a healthy diet and lifestyle").⁵

Meanwhile, the Sugar Association had won a PR award in the US in 1976 for the "forging of public opinion" in acceptance



of sugar; its campaign had included bankrolling research and medical experts.⁶ The 1970s also saw processed foods take off in the US and around the world; sometimes marketed as 'diet' products which were low in fat but high in sugar.

For decades the health impacts of added sugars in the diet continued to be largely ignored. The food industry's undermining of the case against sugar was thus extremely successful. Ironically, the food industry was the one place where Yudkin continued to be taken seriously: a former British PR executive noted that "Yudkin's work was well-known in the food industry in the mid-80s when I was doing PR for a major dairy products company".⁷

It has taken decades for the scientific community to come round to Yudkin's way of thinking and rehabilitate this research into the negative impacts of sugar, decades in which obesity and diabetes have spiralled into epidemic proportions. Meanwhile, just like Big Tobacco, the food and drink industry is still fighting back. (See particularly [Chapter 5: Industry wears the 'health halo'](#).)

1 Gary Taubes and Cristin Kearns Couzens, 'Big Sugar's Sweet Little Lies', *Mother Jones*, November / December 2012.

<http://www.motherjones.com/environment/2012/10/sugar-industry-lies-campaign>

2 Projects and grants established by the Sugar Research Foundation, 6 September 1945. <http://sugarcoateddoc.com/wordpress/wp-content/uploads/2015/09/zoology-list-of-projects.pdf>

3 Ian Leslie, 'The Sugar Conspiracy', *The Guardian*, 7 April 2016. <https://www.theguardian.com/society/2016/apr/07/the-sugar-conspiracy-robert-lustig-john-yudkin>

4 *Pure, White and Deadly*, by John Yudkin, Penguin, 1988.

5 The Sugar Association website, 'About Us'. <https://www.sugar.org/about-us/>

6 'Big Sugar's Sweet Little Lies', *Mother Jones* op cit.

7 'John Yudkin was a visionary', Letters, *The Guardian*, 8 April 2016. <https://www.theguardian.com/society/2016/apr/08/john-yudkin-was-a-visionary-on-harm-caused-by-sugar>

Free trade, a powerful weapon against regulating sugar

The struggle for a sugar tax

The World Health Organisation (WHO) described taxes on sugary soft drinks as the most effective single strategy for improving diet – along with subsidies for fruit and vegetables.¹³

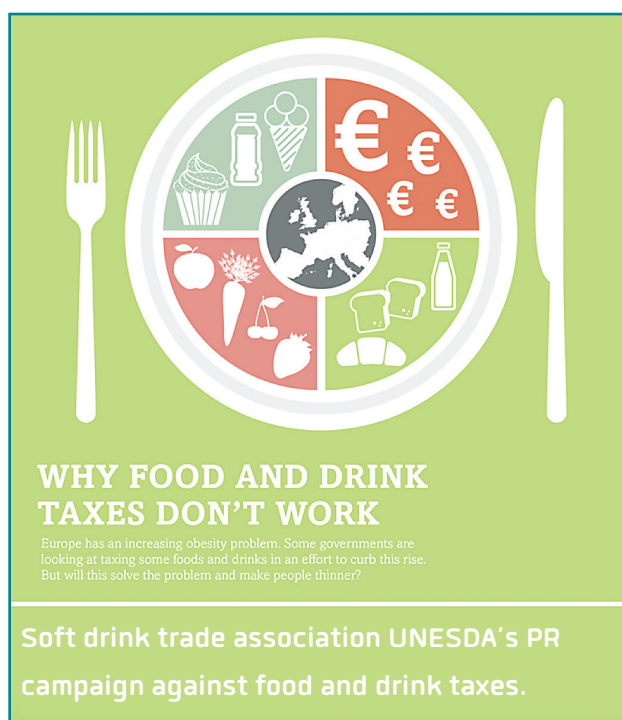
However, the European Commission has avoided taking any real action on sugar consumption; while it is true that taxation and national health priorities are member state competencies, sugar is increasingly in the EU's remit in everything from trade issues to baby food, as later chapters show. Meanwhile, at the member state level, a few governments have worked on strategies to help reduce sugar consumption, in areas such as advertising to children, food labelling schemes, and sugar taxation. Yet many of these are weak due to their voluntary nature, have been actively undermined or have even been reversed by industry action, including via complaints to the EU.

Sugar taxes are the measure most fiercely fought by industry. In Denmark, strong food industry lobbying by groups such as the European non-alcoholic beverages association, [UNESDA](#), helped overturn a soft drink tax in 2014 that had been in place for 80 years. “This decision is the result of concerted efforts to highlight the negative impact of the tax,” said Niels Hald, Secretary General of the Danish soft drinks association, Bryggeriforeningen in a statement from UNESDA.¹⁴ As a result of industry pressure, soft drink consumption went up in Denmark,¹⁵ while plans that had been in the wings for a broader sugar tax were never implemented.

¹³ Anne Marie Thow, Stephen Jan, Stephen Leeder & Boyd Swinburn, ‘The Effect Of Fiscal Policy On Diet, Obesity And Chronic Disease: A Systematic Review’, *Bulletin of the WHO*, August 2010. <http://www.who.int/bulletin/volumes/88/8/BLT-09-070987-table-T1.html>

¹⁴ Denmark drops decades old soft drinks tax, *EU Food Law*, Apr 26 2013. <http://www.eurofoodlaw.com/country-reports/eu-member-states/denmark/denmark-drops-decades-old-soft-drinks-tax-64140.htm>

¹⁵ John Pagni, ‘Domestic beer, soft drinks sales rise after Denmark cuts taxes’, *Just-Drinks.com*, 26 October 2015. http://www.just-drinks.com/news/domestic-beer-soft-drinks-sales-rise-after-denmark-cuts-taxes-figures_id118493.aspx



The UK's recent adoption of a mandatory tax on sugary drinks – which will come into force in April 2018 – is also coming under fire. Soft-drink companies such as Coca Cola and Britvic are reportedly considering legal action as an avenue to challenge the tax; they could attempt to sue the UK Government through the European courts, or in a post-Brexit context, potentially under other free trade rules.¹⁶ In Finland, a tax on sweets was successfully overturned by the EU.¹⁷

Ireland's Department of Health proposed a 20 per cent tax on sugar-sweetened drinks in 2014; previously they considered a tax of 10 per cent, which could mean 10,000 fewer obese adults in Ireland. Again, the tax was fiercely opposed

¹⁶ Graham Ruddick, ‘Drinks makers consider legal action against sugar tax’, *The Guardian*, 20 March 2016. <https://www.theguardian.com/business/2016/mar/20/drinks-makers-consider-legal-action-against-sugar-tax-budget>; Katia Merten-Lentz, ‘What's going wrong with Europe's policy on nutrition?’, 20 May 2016. <https://www.khlaw.com/9320>

¹⁷ <http://www.foodnavigator.com/Policy/Finland-set-to-scrap-tax-on-sweets-and-ice-cream>

“WHO described taxes on sugary soft drinks as the most effective single strategy for improving diet

by industry and was not put in place. Slovenia was also persuaded by industry not to impose a similar 10 per cent tax.

The food industry is also pre-emptively working at both member state and EU level to stop the idea spreading. For example, UNESDA paid lobby consultants Fleishman-Hillard in Brussels for the propaganda website ‘Why Food & Drink Taxes Won’t Work <http://www.fooddrinktax.eu/>.¹⁸ This features dubious statements such as, “All foods contain calories eg sugars, fats, proteins, carbohydrates. Sugar, like all products, should be consumed in moderation. Targeting sugar in the diet via taxation is not a clear way to ensure that people adopt healthier eating habits.”

UNESDA are particularly worried by the way other countries like Colombia and India are watching Mexico’s 2014 sugar tax, where initial studies show sales of sugary drinks had an up to 12 per cent decline in one year.¹⁹

The bitter taste of free trade

Mexico’s cautionary tale with NAFTA (see box, [When Mexico was sued for its sugar tax](#)) highlights which risks free-trade treaties such as TTIP and CETA could pose to EU member states that adopt sugar taxes. Like Mexico, they could be subject to repeated damage claims from multinational companies for creating ‘illegal barriers to trade’ and be liable to pay out millions in taxpayer’s money awarded by private arbitration tribunals. Unsurprisingly, the food and drink industry on both sides of the Atlantic has been one of the biggest proponents of TTIP. (See box [Food and agriculture sector lobbied most on TTIP.](#))

The ISDS (Investor State Dispute Settlement) system included in these types of free trade treaties allow multinational companies to sue states over perceived profit losses

¹⁸ As noted by web designers Morris-Chapman at http://www.morris-chapman.com/portfolio_page/web-3/

¹⁹ Colchero, M Arantxa et al. ‘Beverage Purchases From Stores In Mexico Under The Excise Tax On Sugar Sweetened Beverages: Observational Study’, BMJ, 24 November 2015. <http://www.bmj.com/content/352/bmj.h6704>

When Mexico was sued for its sugar tax

In 2001, Mexico imposed a sales tax on soft drinks that contained any sweetener other than cane sugar, aiming to boost local employment in the sector. This meant almost all US exports of the maize-derived sugar known as high-fructose corn syrup (HFCS) to Mexico stopped between 2002 and 2004.

Corn Products International (CPI), a US based HFSC producer, challenged Mexico’s sugar tax and won \$58.4 million.¹ The same challenge was made a year later by Archer Daniels Midland (ADM), another US producer of HFSC and AE Stanley, a US based subsidiary owned by British sugar producer Tate&Lyle. The ruling was in favour of industry, arguing that the tax discriminated against foreign investors (although it also applied to Mexican companies), imposing a fee of US\$37 million on the Mexican Government.²

Cargill, the largest US producer of HFCS, also challenged the tax under NAFTA rules and won. In 2009 the Mexican state was forced to pay US\$90.7 million to Cargill, including their lawyers’ costs and judges’ and court fees.³

Nevertheless, in 2014 Mexico successfully introduced a sugar tax on all soft drinks, as the government grew increasingly alarmed by the dramatic rise in obesity and diabetes, and Mexican health campaigners received a boost from the US Bloomberg foundation that enabled them to equal the budgetary firepower of the food and drink lobby.

It remains to be seen whether further companies will use the Investor State Dispute Settlement to punish Mexico for its new groundbreaking sugar tax.

¹ ‘NAFTA Chapter 11 Investor-State Cases’, Public Citizen, February 2005. http://www.citizen.org/documents/NAFTAReport_Final.pdf

² Ibid.

³ ‘Cola Wars Beat Drug Wars’, Public Citizen *Eyes on Trade*, 2 March 2011. <http://citizen.typepad.com/eyesontrade/2011/03/cola-wars-beat-drug-wars.html>

“free trade rules could undermine nutrition labelling and rules on health claims made on food packaging

that have supposedly arisen through government legislation. In effect, in the context of these free-trade regimes, sugar taxes could be deemed barriers to trade. This looming threat could nip any such public health legislation in the bud, or, as was the case with Mexico's 2001 tax, it could result in countries having to pay out millions in taxpayers' money in compensation to multinational food and beverage corporations.

Giving extra powers to corporations opposing sugar taxes aren't the only ways TTIP and CETA could undermine Europe's ability to legislate on reducing sugar consumption. The aspect of TTIP known as 'regulatory cooperation' – an on-going process by which the US and EU harmonise their regulations on everything from food to public safety – poses a major threat to national government's ability to address health challenges related to high sugar consumption. Regulatory cooperation could undermine, for example, nutrition labelling and rules on health claims made on food packaging. (For more on food labels as a barrier to trade see [Traffic-light labels challenged by EU rules](#).) It could also create a 'race to the bottom' in healthy food standards, for example preventing attempts to have upper limits to added sugar in products such as children's cereals or baby food (see [Baby food](#)). It is not surprising then perhaps, that FoodDrinkEurope has been a major TTIP proponent, particularly regulatory cooperation.²⁰

And overall, the EU's free trade treaties stand to fuel, not reduce sugar consumption and obesity on the continent. Reducing tariffs and harmonising standards will inevitably result in more, and cheaper, processed foods on the market – ones likely to be high in sugar.

²⁰ FoodDrinkEurope's position on the EU-US Transatlantic Trade and Investment Partnership, FoodDrinkEurope, 19 December 2014. <http://www.fooddrinkeurope.eu/news/statement/FoodDrinkEuropes-position-on-the-EU-US-Transatlantic-Trade-and-Investment/>

An avalanche of cheap sugar

Even before TTIP or CETA have been signed, the removal of EU sugar quotas in 2017 is predicted to contribute to a rise in sugar consumption across the continent. This is because it is likely to increase EU sugar production and thus dramatically reduce the price of the commodity,²¹ making it a cheaper commodity for European food manufacturers. The removal of the cap also applies to high-fructose corn syrup (HFSC, also variously known as Glucose-Fructose Syrup and isoglucose) – a product linked to soaring rates of obesity and diabetes, but cheaper and easier for food industry use. This has led to predictions that the use of this high-fructose corn syrup may go up by as much as 30 per cent in Europe.²² Unlike EU producers who are concerned by the risk of sinking sugar prices, the food and drink industry lobbied hard for the removal of quotas, seeking better access to cheap sugar. The association of sugar users, CIUS – whose members include Coca Cola, Danone and Nestlé and buy nearly 70 per cent of Europe's annual sugar output – was similarly keen to see quotas removed.

Researcher on obesity and diabetes at Århus University, Per Bendix Jeppesen, warned Danish media of the health risks of increased HFSC use in Europe: "It's well-known that this has led to a genuine obesity epidemic in the US since it was introduced," he said. "We have tested it on rats, and this type of sugar increases the risk of getting fatty liver disease and diabetes."²³

²¹ Niamh Michail, 'UK has moral responsibility to limit EU sugar reform damage', *Food Navigator*, 12 June 2015. <http://www.foodnavigator.com/Policy/UK-has-moral-responsibility-to-limit-EU-sugar-reform-damage>

²² Yelto Zimmer, 'Isoglucose – How significant is the threat to the EU sugar industry?', *Sugar Economics and Business*, 11 November 2013. http://www.agribenchmark.org/fileadmin/Dateiablage/B-Cash-Crop/Projects/Sugar-Isoglucose/zimmer_Isoglucose_final.pdf

²³ Henriette Jacobson, 'Obesity researcher: The EU's new sugar quotas will increase diabetes rates', *Euractiv*, 6 November 2014. <http://www.euractiv.com/section/agriculture-food/news/obesity-researcher-says-the-eu-s-new-sugar-quotas-will-increase-diabetes-rates/>; 'New research exposes health risks of fructose, sugary drinks', *Science Daily*, 28 September 2015. <https://www.sciencedaily.com/releases/2015/09/150928144031.htm>



Mexican public health advert informing people of the amount of sugar in these drinks. “Would you give her so many spoonfuls of sugar? With these, that’s exactly what you’re doing.

Food and agriculture sector lobbied most on TTIP

The food and drink sector certainly appears to have much to gain from TTIP.

Agribusiness and food businesses had most lobbying encounters with the European Commission when the TTIP negotiations were being prepared in 2012 and early 2013.¹ This includes multinationals like Nestlé and Mondelez (formerly Kraft Foods) and numerous lobby groups for producers and traders of food and drinks, such as [FoodDrinkEurope](#) (the EU’s biggest food industry lobby group, representing multinationals like Nestlé, Coca Cola, and Unilever).

The food industry is also part of cross-sector industry lobby groups, the second largest grouping who lobbied on TTIP in this period. The largest food and drink companies in the world are members of lobby groups representing multiple business sectors such as the European employers’ federation BusinessEurope (one of the most fierce defenders of corporate interests in the EU), the US Chamber of Commerce (the wealthiest of all US corporate lobbies), the Transatlantic Business Council (representing over 70 EU and US-based multinationals) and national industry federation such as the Confederation of British Industry (CBI) and the Federation of German Industries (BDI).

¹ ‘Who lobbied most on TTIP?’, Corporate Europe Observatory, July 2014. <http://corporateeurope.org/international-trade/2014/07/who-lobbies-most-ttip>

Mexico once again offers an interesting case study. The Institute for Agriculture and Trade Policy (IATP), an NGO, shows how Mexico was flooded with soft drinks and processed foods containing cheap HFSC after its market had been opened to the US and Canada through the North American Free Trade Agreement (NAFTA). This correlated with a sharp increase in obesity in the country.²⁴ Indeed, it is estimated that in Mexico consumption of fruit and vegetables dropped by some 30 per cent in the last 14 years, replaced largely by processed food and sugary drinks. In the years since NAFTA came into force in 1994, Mexico has replaced the US as the country with the highest rates of obesity in the world. Coca Cola now controls 73 per cent of the Mexican soft drinks market; and diabetes has become the country’s number one killer (see box, [When Mexico was sued for its sugar tax for how the country responded to this obesity crisis](#)).

²⁴ ‘Exporting Obesity’, IATP, April 2012. http://www.iatp.org/files/2012_04_04_ExportingObesity_KHK_SM_DW.pdf

No upper limit for sugar?

The sheer intensity of lobbying by the food and drink industry at the EU level over sugar had some devastating results. The European Food Safety Authority's 2010 opinion that there was no connection between sugar consumption and obesity continues to affect European consumer behaviour today.

EFSA finds "insufficient evidence" for obesity and sugar link

The European Food Safety Authority (EFSA) issued an opinion in 2010 that it "could not establish a correlation between high intake of sugars from solid foods (mainly added sugars) and weight gain," and that "available evidence was insufficient to set an upper limit for sugars based on their effects on body weight".²⁵

Yet its findings on the lack of a relationship between obesity and sugar intake in its Scientific Opinion on carbohydrates and fibres were based on five studies, of which the majority were part-funded, including the American Beverage Association, the European sugar industry, and confectionary company Mars, according to a Swedish radio report in February 2016.²⁶

EFSA's controversial opinion also included statements such as, "the evidence relating high intake of sugars (mainly as added sugars), compared to high intakes of starch, to weight gain is inconsistent for solid foods".²⁷

²⁵ EFSA 2010: Scientific Opinion on Dietary Reference Values for carbohydrates and dietary fibre, EFSA Journal 2010; 8(3):1462. Available at: <https://sverigesradio.se/diverse/appdata/isidor/files/3737/296bdc30-a140-4ffb-abbd-896ebdf8ec2.pdf>

²⁶ The 4 reports part-financed by sugar industry in question are: [Saris et al \(2000\)](#), funding from **European sugar industries**; [Poppitt et al \(2002\)](#) funding from **European sugar industries**; [Institute of Medicine \(2005\)](#) funding from **M&M Mars**; [Forshee, Anderson & Storey \(2008\)](#) funding from **American Beverage Association**.

Via: Daniel Öhman, 'Sugar industry behind EU advice on nutrition', Sveriges Radio, 1 February 2016. <https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6357999>

²⁷ EFSA 2010: Scientific Opinion on Dietary Reference Values for carbohydrates and dietary fibre, op cit.

In the public consultation on the opinion, EFSA were heavily criticised by WHO for these positions, particularly the fact that EFSA chose to "dismiss all the existing evidence" on negative health impacts of sugar and disregarded the existing data as "insufficient". The recommendations proposed by EFSA were in direct contradiction to WHO's position.²⁸ Indeed, WHO's current advice from March 2015 states there is, "solid evidence that keeping intake of free sugars to less than 10 per cent of total energy intake reduces the risk of overweight, obesity and tooth decay".²⁹ (See box, [How much is too much?](#))

This opinion has had a huge impact on policy since, and is often cited by the European food and drink industry when countering measures to curb sugar consumption and fight negative publicity. For example, the industry-funded [European Food Information Council](#) (EUFIC) highlights EFSA's opinion prominently and in bold on its information page about High-Fructose Corn Syrup. On the same page they inaccurately claim that, "There is no causal link between the consumption of [HFCS] and obesity."³⁰ It is clear just how useful this EFSA conclusion has been to the food industry.

²⁸ EFSA 2010: Outcome of the Public consultation on the Draft Opinion of the Scientific Panel on Dietetic products, Nutrition, and Allergies (NDA) on Dietary Reference Values for carbohydrates and dietary fibre, Available at: <https://sverigesradio.se/Diverse/AppData/Isidor/Files/3737/b46f87b4-3b3e-4ac1-9200-c26afc88e442.pdf> The controversy also continued over EFSA's 2011 opinion on the substantiation of health claims related to intense sweeteners and contribution to the maintenance or achievement of a normal body weight where the panel again concluded, "epidemiological studies do not show a positive association between total sugar intake and obesity". 'Scientific Opinion on the substantiation of health claims related to intense sweeteners and contribution to the maintenance or achievement of a normal body weight', EFSA Journal 2011;9(6):2229, <http://www.efsa.europa.eu/en/efsajournal/pub/2229>

²⁹ 'WHO calls on countries to reduce sugars intake among adults and children', WHO, 4 March 2015. <http://www.who.int/mediacentre/news/releases/2015/sugar-guideline/en/>

³⁰ 'FAQ on glucose-fructose syrup', EUFIC, accessed 10 March 2016, page no longer live. <http://www.eufic.org/page/en/page/FAQ/faqid/glucose-fructose-syrup/> Cache visible at: <https://web.archive.org/web/20160303234032/http://www.eufic.org/page/en/page/FAQ/faqid/glucose-fructose-syrup/>

“EFSA’s opinion that there was no connection between sugar consumption and obesity continues to affect consumer behaviour in Europe today

Public Consultation on Draft Report		
AGREE	DISAGREE	CONFUSION
<ul style="list-style-type: none"> • CEFS (Comité Européen des Fabricants de Sucre) 	<ul style="list-style-type: none"> • BEUC • Food Standards Agency (FSA) UK • German Nutrition Society 	<ul style="list-style-type: none"> • BEUC • National Centre of Public Health Protection
<ul style="list-style-type: none"> • Food & Drink Federation 	<ul style="list-style-type: none"> • Heart Mersey • International Diabetes Federation • National Heart Forum 	
<ul style="list-style-type: none"> • World Sugar Research Organisation (WSRO) 	<ul style="list-style-type: none"> • Safe Foods (Ireland – N&S) • SACN (UK) (Scientific Advisory Committee on Nutrition) • WHO 	

WHO slide showing that all actors who backed EFSA’s opinion not to propose upper limits for sugar were actually industry groups.

In this context, it is of interest that of the 21 members of the relevant EFSA Dietetic Products, Nutrition and Allergies (NDA) panel that took the decision, Corporate Europe Observatory can only identify two with absolutely no conflicts of interest with the food and drink industry.³¹ The industry links of other panel members include consultation, participation on the board, or research funding.³² Moreover, the sheer number of conflicts of interests shows EFSA’s independence policy was riddled with flaws:

Of the 21 appointed scientists

- thirteen (including panel president Albert Flynn) were affiliated with at least one food company, its research

³¹ Read the research table with conflicts of interests listed here: [COI_NDA_2009-2012_III.ods](https://www.ceo-observatory.org/research/COI_NDA_2009-2012_III.ods)

³² These conflicts are not necessarily indications of ‘corruption’ but links such as consulting, participation on the board, or research funding may create institutional mindsets and biases that can creep in.

departments, a retailer or a food association (including companies such as Kraft Foods, Danone, Kellogg, Nestlé, Masterfoods, Ferrero, Hipp, Pepsico, Unilever, Coca-Cola and others). Of these thirteen, four had more than four conflicts of interest.

- fourteen had connections to powerful food industry lobby group the International Life Science Institute.
- three members worked explicitly on health claims, with one of them also working on labelling.
- only two did not have any conflicts of interest with the food industry.

EFSA defended its independence, saying that, “What matters is not the status of a study – eg independent or industry-sponsored – but rather how well the study is designed, carried out and reported.” But as several investigations have shown, the funding of scientific research can and does in fact often affect the outcome. A 2013 study found that

How much is too much?

2015 WHO guidelines recommend adults and children reduce their daily intake of free sugars to less than 10 per cent of their total energy intake. A further reduction to below 5 per cent or roughly 25g (6 teaspoons) per day, they say, would provide additional health benefits – this is less than the sugar contained in one can of Coca Cola (40g).

Free sugars refer to monosaccharides (such as glucose, fructose) and disaccharides (such as sucrose or table sugar) added to foods and drinks by the manufacturer, cook or consumer, and sugars naturally present in honey, syrups, fruit juices and fruit juice concentrates.¹ (These guidelines do not refer to the sugars in fresh fruits and vegetables, and sugars naturally present in milk, because there is no reported evidence of adverse effects of consuming these sugars.)

¹ 'WHO calls on countries to reduce sugars intakes', op cit.

research funded by the sugar-sweetened beverage industry was five times more likely to find no connection between sugar and weight gain or obesity.³³ (Also see [Chapter 5 on industry funding of research](#)).

Meanwhile, scientific research on the link between sugar and obesity and other health problems has only been strengthened in the six years since EFSA's opinion. So much so that in June 2016 five Nordic countries requested that EFSA update this opinion and finally set upper limits for added sugar intake, citing WHO limits (see [How much is too much?](#)). EFSA responded that it will discuss this request at the NDA panel meeting in September 2016.³⁴ No doubt

this September meeting will be another round of industry mobilisation to preserve this most useful of opinions.

Confusion and arbitrariness in advice on added sugars?

EFSA advises a 2000kcal diet for an average person. Despite its 2010 opinion not setting an upper limit for sugar consumption, it does advise health institutions to take the existing evidence on potential links between sugars and weight gain/dental caries into account when formulating guidelines for healthy diets, particularly in the case of sugar-sweetened drinks. However, its 2009 Scientific Opinion recommending Guideline Daily Amounts for food labelling purposes, proposed a total intake of no more than 90g of sugars a day: half for intrinsic sugars and half for added sugars. The 45g for intrinsic sugars (ie naturally occurring sugars in foods such as fruits, vegetables, cereals) is built on WHO guidelines. Yet, the 45g recommendation for added sugars is set completely arbitrarily with no justification or explanation. These figures coincide with the food industry's preferred guidelines, specifically FoodDrinkEurope's calculations on sugar intake which they had developed, developed in their 2005 Guideline Daily Amounts scheme (GDA).³⁵ (See [Red light for food labelling](#).)

European consumer group BEUC challenged EFSA, asking why it recommended a guideline daily amount for sugars in its 2009 opinion, if a year later it claimed not to be able to give such recommendations in a very similar opinion. BEUC suggested that an upper limit for added sugars should be set at less than 10 per cent of the total daily energy intake, in line with recommendations by WHO/FAO.³⁶

June 2016. <http://www.foodnavigator.com/Policy/EFSA-added-sugar-report-requested-by-Nordic-states>

³³ Bes-Rastrollo, Maira et al, 'Financial Conflicts Of Interest And Reporting Bias Regarding The Association Between Sugar-Sweetened Beverages And Weight Gain: A Systematic Review Of Systematic Reviews', *PLoS Med* 10.12 (2013): e1001578, 31 December 2013. <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1001578>

³⁵ 'Guideline Daily Amounts' FoodDrinkEurope, 6 June 2005 http://www.fooddrinkurope.eu/uploads/publications_documents/GDAs_-_Guideline_Daily_Amounts.pdf

³⁴ Annie-Rose Harrison-Dunn, 'Nordic 5 ask EFSA to help set intake limits for added sugar', *Food Navigator*, 30

³⁶ 'Outcome of the Public consultation on the Draft Opinion of the Scientific Panel on Dietetic products, Nutrition, and Allergies (NDA) on Dietary Reference Values for carbohydrates and dietary fibre', European Food Safety Authority 2010, EFSA

“The Commission has proposed to continue to allow 30 per cent of energy [in baby foods] to come from sugar

Baby food

One of the most recent examples of heavy food lobbying in the EU was around the reduction of sugar in baby foods. In January 2016, the European Parliament voted to reject draft rules on baby food that were forcefully supported by industry. MEP Keith Taylor said, “This vote comes down to whether we want to fuel the obesity epidemic,” and emphasised that, “The Commission has proposed to continue to allow 30 per cent of energy [in baby foods] to come from sugar. This is unacceptable and way above WHO recommendations.”³⁷ The rejected proposal would also have allowed baby foods to be labelled for use from four months of age in contravention of WHO guidelines (see box [Get them while they're young](#)).

The lobby group Specialised Nutrition Europe (SNE) whose members include Danone and Nestlé, and which also represents baby food manufacturers, lobbied hard for the baby food amendment and “deeply regretted” the way the vote had gone.³⁸ SNE are represented by Brussels PR firm Grayling.³⁹ The act now goes back to the European Commission for reconsideration – where, no doubt, more lobbying will take place.

Get them while they're young

Food lobbies battle particularly hard against restrictions on targeting food at babies and children. If babies are given high-sugar formula and food before six months of age they develop a taste which can contribute to childhood obesity – and may become a lifelong habit. In addition the marketing of any food other than breastmilk or infant formula for babies before six months goes against WHO guidelines. As food campaigner Patti Rundall put it, “The aim of companies is to hook babies onto soft sugary products so that processed foods become the norm. If you wait until the baby is developmentally ready – normally around 6 months – they will reach out and join in with family foods that are much less processed – and they will be all the healthier for it!”¹

¹ ‘European Parliament votes for big reductions in sugar in baby foods and prohibitions on labelling at too early an age’, Baby Milk Action, 20 January 2016. www.babymilkaction.org/archives/8274

Journal 2010; 8(5):1508 http://www.efsa.europa.eu/sites/default/files/scientific_output/files/main_documents/1508.pdf

³⁷ Niamh Michail, ‘European Parliament backs objection to sugary baby food’, *FoodNavigator*, 20 January 2016. <http://www.foodnavigator.com/Policy/European-Parliament-backs-objection-to-sugary-baby-food>

³⁸ *Ibid.*

³⁹ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=53141413510-95>

What's on the label?

The European Commission's Directorate General on Health and Food Safety suggests it can only indirectly effect the consumption of sugar through decisions such as labelling schemes (food labelling is harmonised by the Food Information to Consumers Regulation – FIC) and health claims (overseen by the Nutrition and Health Claims Regulation). Broadly, both initiatives *should* aim to help the consumer in making a healthy choice when buying food. However neither the EU's labelling nor health claim regulations are fit for purpose, having been progressively undermined by industry influence.

Heavy corporate lobbying has weakened these rules and/or how they are to be implemented: in some cases (see nutrient profiles) they are close to successfully overturning them altogether. And even these measures on food labelling that do succeed may be threatened by free trade deals such as TTIP and CETA (see [Chapter 1: Free trade](#)).

Red light for food labelling

The food industry fought a massive biggest lobbying battle in Brussels to prevent the adoption of an EU-wide 'traffic light' labelling scheme – and in 2010 they won.

Consumer and health groups promoted a mandatory EU-wide 'traffic light' system which indicate red, yellow, and green for the least to most healthy options and is favoured by health researchers as an easy and visual way for people to see how healthy the foods they are buying are.

Consumer research shows that overall, people find it difficult to determine whether a product they are buying is high in salt, sugar, or fat without traffic lights labelling.⁴⁰

⁴⁰ Ampel-Kennzeichnung bei Lebensmitteln hilft Verbrauchern -Ergebnisse eines Online -Quiz zur Nährwertkennzeichnung, VZBV, June 2013. <https://www.consumentenbond.nl/actueel/nieuws/nieuwsoverzicht-2013/Kleurcodering-verdubbelt-inzicht-in-vet-zout-en-suikergehalte/>

Industry on the other hand pushed for voluntarily standards, favouring an approach in which the amounts contained were displayed as a guideline daily amount (GDA) of the daily energy and nutrient requirements for human consumption.⁴¹ GDA was created as a voluntary scheme developed by food industry lobby FoodDrinkEurope.

However, all studies that have been carried out independent of industry show the same results favouring the traffic light system (see [EUFIC profile](#) for examples of industry-funded research). For example the Münster University of Applied Sciences showed “that, in comparison to the GDA model, a food label with traffic light colours leads to a better and more accurate estimation of sugar and calorie contents, as well as more accurate results in direct product comparisons”.⁴²

Corporate Europe Observatory reported that FoodDrinkEurope (then named CIAA) had invested more than €1 billion (a figure including both advertising and lobby spending) in a campaign to block the traffic light labelling scheme.⁴³

After heavy lobbying the European Parliament's environment, public health and food safety committee rejected the traffic light proposal in 2010. Instead, they backed a regulation that laid down only general rules on the display of nutritional information rather than prescribing one system.⁴⁴

Today, the GDA amount spells out per 100 gram or millilitres the energy, fat, saturated fats, carbohydrates, *total*

⁴¹ 'Food Industry wins battle 'traffic light' labels', *Euractiv*, 17 June 2010. <http://www.euractiv.com/food-industry-wins-battle-traffic-light-labels-news-495324>

⁴² 'Research supports traffic light colours', FoodWatch, 27 September 2012. <https://www.foodwatch.org/en/what-we-do/topics/traffic-light-labels/more-information/research-supports-traffic-light-colours/>

⁴³ 'A red light for consumer information', Corporate Europe Observatory, June 2010. <http://corporateeurope.org/sites/default/files/sites/default/files/files/article/ceo-food-labelling.pdf>

⁴⁴ 'EU lawmakers reject colour coded system for food labels', *Euractiv*, 17 Mar 2010. <http://www.euractiv.com/section/health-consumers/news/eu-lawmakers-reject-colour-coded-system-for-food-labels/>

“rules threaten to prevent effective member state labelling schemes before they even begin

sugars, protein, and salt on the package. These new schemes will now be mandatory on packaged food from 13 December 2016.⁴⁵

However these mandatory labels (via the Food Information to Consumers Regulation or FIC) have some very serious limitations. Currently ruled out of this labelling is the option to display the amount of *added* sugars (also trans fats, though at the time of publication policy options are being considered by the Commission).⁴⁶ These FIC rules mean that neither individual member states nor retailers can print this information to consumers on packaging, even on a voluntary basis.

But information on added sugar is essential to the proper functioning of labelling schemes such as the one currently proposed in France (see box, [Traffic-light labels challenged by EU rules](#)). Thus FIC rules threaten to prevent effective member state labelling schemes before they even begin.

This is in marked contrast to the US, which has recently brought in labelling regulations which, after a huge public health battle, from 2018 will start to show both naturally occurring and added sugars on packaged food. This can make a huge difference for example in educating consumers about the sugar they are not expecting that is added to savoury meals.

Unsurprisingly FoodDrinkEurope fights against having added sugars spelled out on the label, opting instead for the status quo of only showing “total sugars”.⁴⁷

45 EUR-Lex, Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers. <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32011R1169>

46 Katia Merten-Lentz, ‘What’s going wrong with Europe’s policy on nutrition?’, 20 May 2016. <https://www.khlaw.com/9320>

47 Niamh Michail, ‘Should Europeans be told how much sugar is added to their food?’, *Food Navigator*, 1 June 2016. http://www.foodnavigator.com/Market-Trends/Should-Europeans-be-told-how-much-sugar-is-added-to-their-food/?utm_source=newsletter_daily&utm_medium=email&utm_campaign=01-Jun-2016&c=TPzIqYvvrKlnH8JP7K-WDFU5QB5EtcGb&p2

Cutting the ‘red tape’ that prevents misleading health claims

Kellogg’s Frosties, a cereal marketed at children which contains 37 per cent sugar, boasts its health benefits, saying it is “packed with carbohydrates – a great fuel for your body, and one serving provides half your daily needs of three B-vitamins, which help convert food into the energy you need.”⁴⁸ These types of nutrient and health claims are supposed to be regulated under the 2006 EU Nutrient and Health Claims Regulation and authorised by the European Food and Safety Authority (EFSA). One of the aims of the legislation is to avoid misleading nutrition claims – such as a snack bar high in sugar labelled “diet” or “low fat” – and to adopt ‘nutrient profiles’ which are supposed to set upper limits to single ingredients in order to prevent this practice.⁴⁹ European Consumer Organisation BEUC has repeatedly criticised the failure to establish nutrient profiles.⁵⁰ A German NGO FoodWatch survey from May 2016 of 644 foods and beverages carrying vitamin claims showed that 80 per cent contained high levels of sugar, fat and salt and were “deliberately mislead[ing] consumers in the supermarket”.⁵¹

Food industry lobbyists have long had ‘nutrient profiles’ in their sights: FoodDrinkEurope argue that there is no such thing as unhealthy food, just unhealthy diets, and the European Snacks Association has additionally sounded the alarm over WHO Europe’s new nutrient profiles, developed

48 ‘MEP welcomes EU crackdown on exaggerated food health claims’, Liberal Democrats website, 2 September 2009, <http://westbromwichandwarleylibdems.lib.dm/en/article/2009/0439498/mep-welcomes-eu-crackdown-on-exaggerated-food-health-claims>

49 Council of the European Union 2014: Council conclusions on nutrition and physical activity, 20 June 2014. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/143285.pdf

50 BEUC 2015: Informed food choices for healthier consumers, BEUC Position on Nutrition, http://www.beuc.org/publications/beuc-x-2015-008_pca_beuc_position_paper_on_nutrition.pdf

51 ‘Study: foods advertised with vitamins are unhealthy’, FoodWatch, March 2016. <https://www.foodwatch.org/en/what-we-do/topics/imitation-foods-and-blatant-trickery/more-information/study-foods-advertised-with-vitamins-are-unhealthy/>

Traffic-light labels challenged by EU rules

If member states find progress too slow at the European level on measures to reduce sugar consumption – take for example the failure to create a traffic light system – they may in some cases take their own action. Yet in doing so they can find themselves hauled before the European Courts of Justice for hampering the “free circulation of goods”. For example some member states and food industry lobbyists complained to the European Commission about the UK’s voluntary ‘traffic light’ system of labelling for packaged foods (a mandatory one was defeated by British food industry lobbying).¹ Complainants included FoodDrinkEurope whose Communications Director Florence Ranson said such labels “are potential obstacles to the single market”.² Poland and France, currently considering similar schemes, would also be likely to face similar industry complaints.³

FoodDrinkEurope has been even more adamant about opposing any potential mandatory traffic light systems (either national or EU-wide) saying they would contravene EU’s food information to consumers regulation (FIC). The European Commission formally opened infringement proceedings against the UK’s traffic light system back in October 2014 as a result of member state complaints; the investigation is ongoing although due to the Brexit vote this is unlikely to remain a priority.⁴ However member states such as Poland and France could face similar infringement proceedings if they went ahead with their proposed traffic light food labelling schemes.

In this context it is also interesting to note that record levels of disputes, particularly those relating to nutritional labelling, are being raised at the World Trade Organisation’s Tariff Barriers to Trade Committee; and singled out was the ‘traffic-light’ system of nutrition labelling.⁵ This indicates that these labelling schemes are vulnerable to trade disputes; and if EU member states implement mandatory ones they could also be **challenged under trade deals such as TTIP or CETA**.

1 ‘Why food ‘traffic-light’ labels did not happen’, *BBC News*, 11 July 2012. <http://www.bbc.co.uk/news/health-18767425>

2 Liz Newmark, ‘Seven EU states oppose British traffic light labelling’, *Global Meat News*, 21 March 2016. <http://www.globalmeatnews.com/Retail/Seven-EU-states-oppose-British-traffic-light-labelling>

3 Jaroslaw Adamowski, ‘Poland mulls UK style traffic light labelling’, *Euro Food Law*, 8 September 2015. <http://www.eurofoodlaw.com/labelling/poland-mulls-uk-style-traffic-light-labelling-regulations--1.htm?origin=internalSearch>; Peter Rixon, ‘French national assembly backs voluntary nutritional labelling’, *Euro Food Law*, 24 April 2015. <http://www.eurofoodlaw.com/country-reports/eu-member-states/france/french-national-assembly-backs-voluntary-nutritional-labelling--1.htm?origin=internalSearch>

4 Sara Lewis, ‘No legal action’ against UK over traffic lights’, *Euro Food Law*, 16 January 2015. <http://www.eurofoodlaw.com/labelling/health-and-nutrition/no-legal-action-against-uk-over-traffic-lights-105740.htm?origin=internalSearch>; Katia Merten-Lentz, ‘What’s going wrong with Europe’s policy on nutrition?’, 20 May 2016. <https://www.khlaw.com/9320>

5 ‘record number of new trade concerns raised in standards committee in 2014’, WTO Technical barriers to trade: formal meeting, 4-6 November 2014. https://www.wto.org/english/news_e/news14_e/tbt_04nov14_e.htm

to restrict marketing unhealthy foods to children.⁵² So when the opportunity to remove the threat of nutrient profiles reared its head as a result of a deregulation drive the food industry took it.⁵³

Under the guise of cutting ‘red tape’ under the ‘Better Regulation Agenda’ big business is attacking regulations it finds ‘burdensome’ – often related to protecting public health, the environment, or workers’ rights. The European Commission’s Regulatory Fitness and Performance programme, REFIT, requires that every year the EU must screen its entire body of law to find new regulations to scrap, weaken or simplify; others undergo a check to assess whether it is “fit for purpose”.⁵⁴

FoodDrinkEurope provided preliminary input to REFIT’s ‘fitness check’ of the General food law, in particular the EU Nutrition and Health Claims regulation.⁵⁵ This is supposed to ensure that foods high in sugar, fat or salt cannot carry claims to be healthy, for example.

FoodDrinkEurope’s comments included questioning whether nutrient profiles were “fit for purpose” in the context of the “Better Regulation agenda of the European Commission and its focus on jobs and growth”,⁵⁶ something soft drinks lobby group UNESDA also echoed.⁵⁷

52 ‘A STRONG voice in Europe’, ESA, Autumn 2015. <http://www.esasnacks.eu/DG-autumn-2015.pdf>

53 ‘Better Regulation: corporate friendly deregulation in disguise’, Corporate Europe Observatory, 1 June 2016. <http://corporateeurope.org/power-lobbies/2016/06/better-regulation-corporate-friendly-deregulation-disguise>; EU Food Policy 2015: MEPS’s formally call for axing of nutrient profiles, Issue no 271, 29 May 2015.

54 Evaluation And Fitness Check (FC) Roadmap, European Commission, March 2016. <http://ec.europa.eu/DocsRoom/documents/16103/attachments/1/translations/en/renditions/native>

55 Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A121306>

56 FoodDrinkEurope input on public consultation for Regulation (EC) No 1924/2006 on nutrition and health claims, 5 November 2015. http://ec.europa.eu/food/safety/docs/labelling_nutrition-claims_refit_fde.pdf

57 UNESDA input on public consultation for Regulation (EC) No 1924/2006 on nutrition and health claims, 5 November

“a motion to the European Commission to “to eliminate the concept of nutrient profiles” was voted for in the European Parliament

FoodDrinkEurope also said, “Problems may also arise from the fact that third countries often look at the EU regime as a model when developing their own legislations”: in other words they are worried a robust nutrient profile labelling regime might spread to other countries.

Food lobbyists from FoodDrinkEurope, UNESDA, and CEFS all made very similar complaints over their freedom to make health claims on packaging for products containing sugar and citing in support EFSA’s own controversial 2010 opinion that an upper limit on sugar consumption could not be set.⁵⁸ This was a clear strategy by the food industry to “eliminate the concept of nutrient profiles”. As FoodDrinkEurope states, it was involved right from the start: “In 2015, [we] provided preliminary input to the EU Regulatory Fitness (REFIT) of the general food law on certain aspects of the Nutrition and Health Claims Regulation, such as nutrient profiles and health claims”.⁵⁹

British MEP Glenis Willmott mentioned the “heavy industry lobbying” over scrapping these profiles and that this was an “attempt to undermine rules on health and question the relevance of nutrient profiles”.⁶⁰

In May 2016 a motion to the European Commission to assess “how useful and realistic” the Regulation on Nutrition and Health Claims made on foods is “and, if appropriate, to eliminate the concept of nutrient profiles” was voted for in

the European Parliament.⁶¹ The Commission is not bound to follow the Parliament’s decision but pressure is decidedly against nutrient profiles and the Commission has to decide on their future before June 2017.⁶²

2015. http://ec.europa.eu/food/safety/docs/labelling_nutrition-claims_refit_unesda.pdf

58 CEFS input on public consultation for Regulation (EC) No 1924/2006 on nutrition and health claims, October 2015. http://ec.europa.eu/food/safety/docs/labelling_nutrition-claims_refit_cefs.pdf ; FoodDrinkEurope input op cit. ; UNESDA input op cit.

59 FoodDrinkEurope annual report 2016, http://www.fooddrink-europe.eu/uploads/publications_documents/Food_Drink_Europe_annual_report_20162.pdf; ‘Feeding the debate: Food and drink industry priorities for the new European Parliament’, 24 March 2014. http://www.fooddrink-europe.eu/uploads/publications_documents/feeding_the_debate_-_final_print_version.pdf

60 Annie-Rose Harrison-Dunn, ‘EU Parliament vote rejects calls to scrap nutrient profiles’, *Nutra Ingredients*, 16 June 2015. <http://www.nutraingredients.com/Regulation-Policy/EU-Parliament-vote-rejects-calls-to-scrap-nutrient-profiles>

61 Niamh Michail, ‘European Parliament votes to scrap nutrient profiles’, *Food Navigator*, 12 April 2016. <http://www.food-navigator.com/Policy/European-Parliament-votes-to-scrap-nutrient-profiles> ; Evaluation And Fitness Check (FC) Roadmap, European Commission, March 2016. http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_sante_595_evaluation_health_claims_en.pdf

62 Evaluation And Fitness Check (FC) Roadmap, European Commission, March 2016. http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_sante_595_evaluation_health_claims_en.pdf

Voluntary initiatives – a box of treats for industry

A roadmap to where exactly?

The Netherlands Presidency in the first half of 2016 took reformulation (see box [Reformulation: changing the recipe](#)) as a priority policy area. Their voluntary Roadmap for Action on Food Product Improvement includes measures such as a ten per cent reduction in added sugars to processed food by the end of 2020. However there are concerns over how robust this Roadmap really is. Only four NGOs were invited

Reformulation: changing the recipe

Reformulation refers to reducing or removing added sugar levels in processed foods by changing the recipe and including other sweetening agents. The food industry lobby has been open to this – up to a point. Director of consumer information for diet and health at FoodDrinkEurope Dirk Jacobs, has said this has been the favoured priority of industry; with sugar taxes being the least favoured.¹

Reformulation can confer some advantages, for example marketing products as healthier. However, this only goes so far. Sugar offers specific taste, texture, and added shelf-life that companies are reluctant to give up. Coca-Cola's statement to the European Commission summarizes the industry position: We "will engage in reformulation as long as it does not affect the taste of the products as this is what keeps people comfortable and coming back for more."²

A typical industry position is that "regarding [sugar] reformulation... they are running into limitations as far as what is scientifically and technologically possible",³ as the European Snack Association told DG SANCO in July 2013. They also comment that regulation on artificial sweeteners would have to be changed so that industry will have more opportunities to replace sugars.⁴

1 'Confronting obesity in Europe', *The Economist*, op cit.

2 Annex 6c, Coca-cola to European Commission, 10 June 2015.

3 Annex 8d, European Snack Association ESA to European Commission, 17 July 2013.

4 Annex 6c, Coca-cola to European Commission, 10 June 2015.

to the launch conference in February 2016, which was sponsored by two food companies, one of which was Nestlé. Renal health expert Professor Raymond Vanholder (University of Ghent) who participated in the conference as part of the European Kidney Network said, "Participants were linked mostly to industry or European and national government" and that "too much podium was given to industry and not enough to health-related issues". Only one NGO presented. Vanholder also commented: "Industry was never far away, and sometimes presentations contained a certain degree of advertisement." He mentioned that the general position among many of the participants was that "governments should not impose rules but give recommendations which may or may NOT be taken up by the industry".⁶³

Food industry groups such as FoodDrinkEurope have welcomed the Roadmap;⁶⁴ particularly due to its emphasis on voluntary measures and public-private partnerships for research into food reformulation (see box [Reformulation: changing the recipe](#)).⁶⁵ These policy discussions also remove some of unwanted attention (from the point of view of industry) for measures like sugar taxes and mandatory sugar reduction in products. As *EuroScientist* points out, "This type of step-by-step voluntary journey is a well-trodden path. Typically, initial targets are diluted again and again by the time deadlines are met."⁶⁶

Consumer groups have also cast a critical eye on the voluntary Roadmap. BEUC observed that "reduction targets should be mandatory, measurable, be applied across all

63 'EKHA's part in the Roadmap for Action on Food Product Improvement: Netherlands Presidency Conference, 22-23 February 2016, Amsterdam, European Kidney Health Alliance. http://era-edta.org/ekha/EKHA_report_from_the_Dutch_presidency_Conference_on_Food_Product_Improve.pdf

64 'FoodDrinkEurope supports Netherlands Presidency Roadmap on Food Product Improvement', FoodDrinkEurope press release, Euractiv, 22 February 2016. <http://pr.euractiv.com/pr/fooddrinkeurope-supports-netherlands-presidency-roadmap-food-product-improvement-137906>

65 'Sweet tooth: countering of our most lethal addictions', *EuroScientist*, 9 March 2016 ; <http://www.euroscientist.com/sweet-tooth-countering-one-lethal-addictions/> ; Roadmap for Action on Food Product Improvement, Dutch Presidency EU Conference, 22 February 2016. http://www.agripres.be/_STUDIOEMMA_UPLOADS/downloads/roadmap.pdf

66 'Sweet tooth', *EuroScientist*, op cit.

“Industry was never far away, and sometimes presentations contained a certain degree of advertisement.”

food categories and comply with WHO recommendations”. And according to FoodWatch, voluntary measures alone cannot reverse the obesity epidemic: “In the obesity crisis, the EU has not exactly covered itself with glory so far. The traffic light failed, nutrient profiles are still pending. The European Union is supposed to solve the major, transnational challenges. The obesity epidemic is one of these challenges. Therefore, the Dutch presidency should address the bigger picture, rather than focusing on a voluntary prevention measure with very limited impact.”⁶⁷

They also commented, “Sugary beverages, sweets and snacks have the highest profit margins, while fruit and vegetables are simply not profitable enough for the food industry. That’s why voluntary prevention measures will fail.”⁶⁸

Industry-domination and voluntary measures

The EU’s official groups, which could have some influence in regulating the consumption of sugar, are in reality promoting weak voluntary measures in partnership with industry.

For example, the EU’s Platform for Action on Diet Physical Activity and Health is a key strand of DG SANTE’s engagement on the issue of sugar and health. Set up in 2005, the official aim of the Platform is to unite actors keen on “collaboratively and strategically working on healthy diets and lifestyles through a partnership approach with its members”. Only a handful of the 33 members are not affiliated with the food, the sports, education, or advertising industry.

Ten years after the Platform’s foundation, it proudly refers to over 300 voluntary commitments put in place, 39 of these dedicated to sugars. Out of the sugar-related commitments, three have not been completed. Of the remaining 36 commitments, 16 were brought in by FoodDrinkEurope or its

⁶⁷Niamh Michail, ‘Food industry backs roadmap for EU-wide reformulation’, 23 February 2016. <http://www.foodnavigator.com/Policy/Food-industry-backs-roadmap-for-EU-wide-reformulation>
⁶⁸Ibid.

EU Presidency: dining out with the food industry

Documents obtained by Freedom of Information requests to the Dutch Ministry of Health show that FoodDrinkEurope carefully prepares for each new presidency of the EU. Several lobby meetings as well as a dinner were held between the food industry and Dutch officials of the Ministry of Health, and the Dutch permanent representation in Brussels, all well before of the start of the Presidency (1 January 2016). These documents show the report of the first meeting held with FoodDrinkEurope, and while heavily censored mentions that the food industry as a practice organises a lobby dinner twice a year in the country of the incoming presidency to discuss priority issues. For the dinner in the Netherlands, product reformulation was high on the agenda. At a second meeting, Nestlé met with the Dutch Permanent Representation to discuss the EU approach on product reformulation. The aim of the meeting was to get clear “what courses of action would be desirable and/or attainable for Nestlé”. Nestlé pointed out that if a product changes taste too much because of reformulation, the market is immediately taken over by a product that is not reformulated. In other words, for industry, reformulation can be discussed as long as it is voluntary and does not affect the product too much.

The meeting’s report also clearly connects the EU’s so-called Better Regulation agenda to promote voluntary or what it calls “co- and self-regulatory approaches” – in other words, deregulation for the food industry (see [Cutting ‘red tape’ removes food health claim regulations](#)).¹

¹ Access to documents request reply, BRE-JIZ Permanent Representation of Netherlands to the EU, March 16, 2016. <http://www.asktheeu.org/en/request/2396/response/9214/attach/4/Doc%201.pdf>

members. Only four of those commitments made concrete propositions for quantifiable reduction of sugar.⁶⁹ In 2015 most commitments focused on information and advocacy; only 27 per cent of commitments that year provided clear reporting on outcomes.⁷⁰

Another EU entity is the High Level Group on Nutrition and Physical activity, made up of member state government representatives and led by the European Commission. Again there is a focus on public-private partnerships and voluntary guidelines. Its aims include sharing 'best practice' and policy initiatives, as well as "improving liaison between governments and the EU Platform for Diet, Physical Activity and Health, so relevant public-private partnerships can be quickly identified and agreed on."⁷¹

It has supported reformulation of processed food and reduction of sugar via its Annex II on Added Sugars: however, again this is merely a voluntary framework: as the group put it a "tool for the benefit and voluntary use of Member States" and an "additional incentive and practical guidance for the food industry in its initiatives to contribute to healthier lifestyles through a healthier diet".⁷²

The food and drink lobby's tool-kit: voluntary measures

"We believe that interventions such as product reformulation, portion control, restrictions on the marketing of foods and beverages high in fat, sugar and salt to children, nutrition literacy and labelling, public education on diet and physical activity programmes are likely to be more effective than a recommendation [to fiscal measures], with little scientific basis that lacks solid evidence and evaluation." (International Food and Beverage Alliance, Brussels-based food industry trade association.)¹

1 Position Paper on WHO Echo, IFBA, 13 November 2015. <https://ifballiance.org/wp/wp-content/uploads/2015/11/IFBA-Comments-on-Draft-Final-Report-of-ECHO.pdf>

⁶⁹EU's Platform for Action on Diet Physical Activity and Health, Commitment 1063, 1407, 1607, 834. http://ec.europa.eu/health/nutrition_physical_activity/platform/index_en.htm

⁷⁰Overview of the 2016 Annual Report of Platform for Action on Diet Physical Activity and Health, Commitment, ICF Study team, 2 June 2016. http://ec.europa.eu/health/nutrition_physical_activity/docs/ev_20160601_coo4_en.pdf

⁷¹High Level Group on Nutrition and Physical Activity website. http://ec.europa.eu/health/nutrition_physical_activity/high_level_group/index_en.htm

⁷²Annex 2 on Added Sugars, High Level Group on Nutrition and Physical Activity, 21-22 April 2015. http://ec.europa.eu/health/nutrition_physical_activity/docs/added_sugars_en.pdf

Industry wears the 'health halo'

While the World Health Organisation and health campaigners use the term 'obesogenic' to describe an environment which reinforces unhealthy eating – for example a high density of fast food outlets, healthy foods being out of reach in poor areas, advertising to children – the food and drink industry prefer to take the focus off themselves and put it back onto calorie counting, and individual dietary and exercise choices.

Food and drink companies link their brands to sports programmes and events to create a "health halo". However, industry insistence on exercise as a protection against obesity is not supported by scientific studies, which repeatedly demonstrate that diet is a bigger factor than exercise when dealing with weight loss.⁷³ As an article in a leading health journal put it: "The 'health halo' legitimisation of nutritionally deficient products is misleading and unscientific. This manipulative marketing sabotages effective government interventions such as the introduction of sugary drink taxes or the banning of junk food advertising."⁷⁴

This 'health halo' can take the form of public private partnerships such as school programmes on healthy diets or physical activity; and can create public goodwill, a brand association with healthy lifestyles, and perception of social responsibility around the company. This is money well spent for industry, as it is cheaper than the cut in profits a sugar tax, for example, might impose. In addition, as consumers become more aware of health dangers around sugar and added sugars in processed food, Morgan Stanley's research shows that the sugar-sweetened soft drink industry "is likely to be the key loser from a decline in sugar consumption".⁷⁵

In 2015 Coca Cola alone spent over €76 million globally from its charitable foundation; including a large number of sports and health projects.⁷⁶ Examples include €653,000 to the German Olympic Sports Confederation "SMART SPORT" youth programme and €183,000 to Italian Diabetes Research Foundation for a "Let's Prevent Childhood Obesity" program.⁷⁷

The food and drink industry is also a major funder of health research into obesity, diabetes, and other sugar related illnesses. This can build public relations and in some instances allows the framing of the research to be skewed towards industry interests. Scientific studies were five times more likely to find no link between sugar-sweetened drinks and obesity when sponsored by the food and drink industry, according to a 2013 investigation published in PLoS Journal.⁷⁸ In addition US food policy campaigner Marion Nestle writes, "Between March 2015 and March 2016, I identified 166 industry-funded nutrition research studies and posted and discussed them on my blog. Of these, 154 reported results favorable to the interest of the sponsor; only 12 reported contrary results. The few studies systematically examining the influence of industry funding on nutrition research tend to confirm results obtained from other industries."⁷⁹ A further explanation for this phenomena may lie in the fact that we simply do not know what unfavourable results may *not* be getting published!

The Director of British lobby group Sugar Nutrition UK, funded by sugar manufacturers, is nutrition scientist Alison Boyd. She is "responsible for assessing scientific evidence relating to sugar and health", and "advising the media

⁷³ A Malhotra, T Noakes, S Phinney, 'It is time to bust the myth of physical inactivity and obesity: you cannot outrun a bad diet', *British Journal of Sports Medicine*, 22 April 2015. <http://bjsm.bmj.com/content/early/2015/05/07/bjsports-2015-094911.full> ; Tina Rosenberg, 'How one of the most obese countries on earth took on the soda giants', *The Guardian*, 3 November 2015. <http://www.theguardian.com/news/2015/nov/03/obese-soda-sugar-tax-mexico>

⁷⁴ 'It is time to bust the myth of physical inactivity and obesity', *British Journal of Sports Medicine*, op cit.

⁷⁵ 'Sugar Economics: How Sweet It Isn't', Morgan Stanley, 14 May 2015. <http://www.morganstanley.com/ideas/sugar-economics-how-sweet-it-isnt>

⁷⁶ The Coca-cola Foundation Grants Paid in 2015. <http://www.coca-colacompany.com/content/dam/journey/us/en/private/fileassets/pdf/our-company/2015-PIDC-Contributions-Report.pdf>

⁷⁷ Ibid.

⁷⁸ Financial Conflicts Of Interest And Reporting Bias Regarding The Association Between Sugar-Sweetened Beverages And Weight Gain', *PloS*, op cit.

⁷⁹ Marion Nestle, 'Corporate Funding of Nutrition Research and Unjustified Conclusions – Reply', *Journal of American Medical Association*, Internal Medicine, Volume 176 Number 5, May 2016. Available at: <http://www.foodpolitics.com/2016/05/more-on-corporate-funding-of-nutrition-research-exchange-of-letters/>

A calorie is not just a calorie

FoodDrinkEurope's slogan, "There is no good/ bad food, only good/ bad diets" is one repeated across the food industry lobby ad infinitum – after all, they say, why demonise certain types of food like added sugars? A calorie is a calorie, no matter where you get it from, they rationalise. This also justifies the food industry's focus on exercise: as long as you balance calories in versus calories out, they tell us, you can eat what you like – it's all on you. Groups like the US industry front group Global Energy Balance Network (heavily funded by Coca Cola) promote these ideas in the name of science.¹ But there is more and more evidence that shows this assumption is misleading. The reality is far more complex; while calories count, where they come from matters a lot more... not to mention how they are prepared and who is eating them.² For example as an added sugar (ie not naturally occurring) fructose creates less feelings of satiety than glucose,³ and the former is more implicated in metabolic disorders – thus an ingredient can have identical calories and a very different impact on health and weight. While calorie information is useful, as is exercise, an exclusive focus on it allows food companies to put too much of the responsibility on consumers' individual behaviours and takes away political focus and public scrutiny from issues such as food industry processing, marketing, ingredients, and quality.⁴

1 Robert A. Ferdman, 'We don't need to drink less soda, according to research funded by Coca-Cola', *Washington Post* 11 August 2015. <https://www.washingtonpost.com/news/wnk/wp/2015/08/11/the-worlds-largest-seller-of-sugary-drinks-is-telling-people-how-to-lose-weight/>; the Global Energy Balance Network appears to have been recently disbanded: Anahad O'Connor, 'Research Group Funded by Coca-Cola to Disband', *New York Times*, 1 December 2015. <http://well.blogs.nytimes.com/2015/12/01/research-group-funded-by-coca-cola-to-disband/>

2 Cynthia Graber and Nicola Twilley, 'Why the calorie is broken', BBC News, 1 February 2016. <http://www.bbc.com/future/story/20160201-why-the-calorie-is-broken>

3 Karen L. Teff et al, 'Dietary Fructose Reduces Circulating Insulin and Leptin, Attenuates Postprandial Suppression of Ghrelin, and Increases Triglycerides in Women', *Journal of Clinical Endocrinology & Metabolism* Volume 89 Issue 6, 14 January 2009. <http://jcem.endojournals.org/content/89/6/2963.short>; KA Page et al, 'Effects of fructose vs glucose on regional cerebral blood flow in brain regions involved with appetite and reward pathways', *Journal of the American Medical Association* Volume 309 No 1, 2 January 2013. <https://www.ncbi.nlm.nih.gov/pubmed/23280226>

4 Gyorgy Scrinis, 'Big Food and the calorie trap', *The Guardian*, 30 July 2013. <http://www.theguardian.com/commentisfree/2013/jul/30/junk-food-calories>

and industry groups on sugar-related nutrition issues; as well as working with communications professionals on science-based messages" according to the group's website. She is also a member of the European Association for the Study of Diabetes, on the Scientific and Communications Committees of the [World Sugar Research Organisation](#), as well as "Nutrition Task Force of [CEFS, the European Association of Sugar Producers](#), providing information to MEPs and DG SANCO".⁸⁰ A London meeting of the International Sugar Organisation in 2014, in which the industry discussed how it was being unfairly demonised, Boyd gave a presentation making the argument that the problem is not sugar but calorie consumption.⁸¹ Mike Love of PR firm Burson Marsteller UK (whose clients include Coca-Cola) gave a presentation called 'Telling our story' which advised how the sugar industry could assert its narrative, including how to "mitigate damage" and "change debate". He also advertised Burson Marsteller's 'Corporate Perception Indicator' as a useful tool.⁸²

Several of Coca-Cola's funding of scientific research projects (part of the €76 million spent globally mentioned above) have proved highly controversial. For example, *The Times* newspaper reported that Coca Cola spent €6.6m to set up the European Hydration Institute which recommends hydration via sports and soft drinks of the kind sold by Coca Cola.⁸³ In 2015 it published a study showing dehydration affected driving capability just as much as alcohol consumption, a story picked up uncritically in much of the media.⁸⁴ Coca Cola then launched a follow-up campaign with Shell to sell more drinks at motorway and petrol sta-

80 Sugar Nutrition UK website, Who We Are. <http://www.sugarnutrition.org.uk/about-us/who-are-we/>

81 ISO Sugar Conference 2014 seminar proceedings, Alison Boyd, Sugar Nutrition UK. <http://isosugar.org/23SeminarProceedings/02%20-%20Boyd%20-%20ISO%20Sugar%20Health%20and%20Nutrition%20Dr%20Boyd.pdf>

82 ISO Sugar Conference 2014 seminar proceedings, Mike Love, Burson Marsteller. <http://isosugar.org/23SeminarProceedings/03%20-%20Love%20-%20FINAL%20-%20ISO%20Communications%20presentation%20revFinal%20MLov.pdf>

83 European Hydration Institute website. <http://www.europeanhydrationinstitute.org/>

84 'Dehydrated drivers make the same number of mistakes as drink drivers', Loughborough University News, 20 Apr 2015. <http://www.lboro.ac.uk/internal/news/2015/april/>

“ILSI Europe funded a Bristol University study that purported to show that drinking diet soft-drinks are better than water for weight loss

tions “following the findings of the Loughborough study”.⁸⁵ In 2016 the Institute funded research which included information that caffeinated drinks (including cola and diet cola) could be used for rehydration and that fizzy drinks could be just as hydrating as water.⁸⁶

Another example of industry collaboration is industry food group EUFIC working with both the European Federation of the Associations of Dietitians (EFAD) and the European Association for the Study of Obesity (EASO).⁸⁷

Corporate lobby group the [International Life Science Institute Europe](#) (ILSI Europe), whose members include Coca Cola, Pepsi, Nestlé, Red Bull, McDonald’s, and many other large food corporations, funded a Bristol University study that purported to show that drinking diet soft-drinks are better than water for weight loss.⁸⁸ ILSI Europe heads efforts to make industry approaches common in EU nutrition and health related research programmes, for example it contributed funding as part of a consortium (including the EU and several European universities as well as other food lobby groups including EUFIC) involved in the EuroDISH project 2012-2015. This is an ambitious project to envision a more joined-up food and health research infrastructure in Europe. Its aims include to “build bridges between national (public and private) research communities”, “provide a platform for industry, research, and policy,” and “Help to shape

[dehydrated-drivers.html](#) ; See for multiple news stories:
<https://www.google.co.uk/#q=driving+dehydration>

85 Alexi Mostrous, ‘Giants of the health lobby bankrolled by Coca-Cola’, *The Times*, 9 October 2015. <http://www.thetimes.co.uk/tto/health/news/article4580708.ece>

86 ‘Myths around staying hydrated washed away’, European Hydration Institute, 15 March 2016. <http://www.europe-anhydrationinstitute.org/myths-around-staying-hydrated-washed-away/> ; BBC report ‘The Truth about Healthy Eating’ mentioned by University of Stirling which partly conducted the research: <https://www.stir.ac.uk/news/2016/06/scientists-assess-hydration-potential-different-drinks/>

87 EUFIC Annual Report 2013. <http://www.eufic.org/upl/1/de-fault/doc/EUFICAnnualReport2013.pdf>

88 Jonathan Owen, ‘A recent study that said Diet Coke can help you lose weight was quietly funded by Coca-Cola’, *The Independent*, 17 January 2016. <http://www.independent.co.uk/news/science/study-that-said-diet-fizzy-drinks-can-help-weight-loss-was-quietly-funded-by-coca-cola-and-pepsi-a6817686.html>

scientific communities, attract young people to science”; as such it will be influential in determining Europe’s research priorities for the coming decade.⁸⁹

The dangers here are not only that industry is able to buy goodwill with its funding or associate its products with a healthy lifestyle; but more significantly, it is also able to misdirect research and policymaking away from robust measures needed to tackle the health crisis related to sugar consumption.

89 Study on the need for food and health research infrastructures in Europe, EURO DISH. <https://biobs.jrc.ec.europa.eu/study-need-food-and-health-research-infrastructures-europe>

Concluding remarks:

If the tactics of the sugar lobby have been compared to those of Big Tobacco over the decades, then the strategies to reign in that lobby may also be comparable.

For example Article 5.3 in the WHO convention and the accompanying guidelines says that decision-makers restrict their interactions with the tobacco industry to effectively regulating it and that “where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently”.⁹⁰ The same should apply at the European Union and member state level to sugar lobbyists.

This transparency should be extended not just to meetings but to lobby spending, as we can see from the EU’s voluntary Transparency Register that many organisations actively lobbying on the issue of sugar are still simply not in the register (see [Chapter 6](#)), and many may be under-reporting this spend.

Public-private partnerships and funding that risk the independence of science and health projects should be re-examined. Both the provenance of scientific research and the experts themselves informing legislative decisions should be rigorously checked for industry bias and conflicts of interest. It is extraordinary that there is still no consensus among EU regulating bodies as to the dangers of sugar.

And rules such as those on nutrient profiles, food labelling, sugar taxes, and upper levels of added sugar in foods, should not be left to the food and drink industry to shape or gut via undue influence. In particular the free trade regimes currently being pursued by the European Union will give yet more weapons to the sugar lobby to do so.

Perhaps in time we will look back on the levels of consumption of sugars prevalent today in the same way as we look back now to when everyone had a cigarette in their hand and thought nothing of it. But this will be far harder to achieve if the EU and member states do not stand up to the corporate lobby and get serious about regulating sugar.

“Perhaps in time we will look back on the levels of consumption of sugars prevalent today in the same way as we look back now to when everyone had a cigarette in their hand and thought nothing of it.”

⁹⁰Guidelines for implementation of the WHO FCTC, 2011.
http://www.who.int/fctc/guidelines/adopted/guidel_2011/en/

European sugar lobby – key actors

A search in the European Transparency Register offers a list of 62 relevant entities associated with lobbying over sugar and sugar-sweetened products. Companies that directly promote sugar-sweetened products, food companies that promote processed foods and their trade associations,⁹¹ as well as (some) sugar producers and their trade associations self-declare a total of around €21.3 million on lobbying the European Union a year.⁹² (Note that while this research has generally not focused on sugar producers or refiners, the lobby spending of some who we considered more active on the relevant issues – ie not agricultural production and refining, but health claims etc – have been included.)

According to the Transparency Register, as a subset of that figure, these companies and associations spend an estimated €5.4 million on PR and lobby consultancy firms.⁹³

However, the figures can only give a partial picture of the corporate power lobbying around sugar-sweetened products. Firstly, the register is voluntary and unmonitored. It is clear that the lobbying expenses of these actors when added up do not equate to a full picture of all lobbying efforts around sugar. In some cases, behind the scene players with big budgets, such as ILSI Europe, (total income for ILSI globally in 2014 is listed as €22 million)⁹⁴ are not listed in the EU's Transparency Register at all.

Secondly, for other actors listed – the majority, food manufacturers and their trade associations – the lobby spend totals they declare are not broken down by issue. However while it has not been possible to narrow down the lobbying spending specifically on the topic of sugar, all have a strong interest in the topic as they rely heavily on processed

foods and drink with sugar as a key ingredient, and / or a strong interest in policy issues relating to maintaining or promoting sugar consumption, such as health, nutrition, food labelling.

Some examples of the most active sugar-related lobby groups in the EU are given below, listed alphabetically.

⁹¹ Not taken into account are the sports, wellness, and advertising industries.

⁹² As calculated from the top end of the range of lobby spending declaration in the EU's Transparency Register. Contact Corporate Europe Observatory for a full list of the sugar actors involved.

⁹³ (While a couple of companies indicated their declared lobby spending included contracting out to consultancy firms, the vast majority of cases appear to be reporting in-house lobbying spending. As such, we have included the lobby consultancies reporting of these contracts as additional spending.)

⁹⁴ ILSI website. <http://ilsi.org/about/leadership-support/>

1. Caobisco

Website: <http://caobisco.eu/>

Description: The association for the Chocolate, Biscuits and Confectionery industry in Europe. Besides the 17 member organisations of national confectionery organisations, among others, Mars, Nestlé, Mondelez, Ferrero are direct member companies of the association. Caobisco is also a member of CIUS and FoodDrinkEurope.

Lobby spend: Total budget of €1 million. In April 2016 updated its earlier claim in the Transparency Register to spend less than €9,999 on lobbying to a more realistic range of €300,000 - €399,999.⁹⁵

Lobbying themes: An online Caobisco presentation claims it “Maintains close contacts with European, international institutions” and is a “Key partner on all issues affecting European chocolate, biscuit, confectionary industry”. Lobbied for the elimination of sugar quotas in the EU.⁹⁶ Together with CEFS, UNESDA, STARCH-EUROPE and PROFEL, it published a brochure on “sugar-facts” in May 2015. For years the sugar industry’s message was “sugars can be part of a healthy and balanced diet”; now they add caveats (which still avoid blaming sugar) such as “Excessive consumption of calories from any source, combined with insufficient energy expenditure, is associated with an increased risk of overweight, obesity and non-communicable diseases.”⁹⁷



Caobisco's influence mapping, from an online presentation

⁹⁵ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=496569221197-39>

⁹⁶ Caobisco internal Prezi presentation, 3 March 2015. <https://prezi.com/gwx7wuerr-yh/caobisco/>

⁹⁷ 'Facts about sugars', Caobisco. <http://caobisco.eu/caobisco-chocolate-biscuits-confectionery-europe-page-70-Facts-about-Sugars.html>

2. European Breakfast Cereal Association (CEEREAL)

Website: <http://www.ceereal.eu>

Description: Trade association of 11 national breakfast associations and 8 associate members, 4 of which are Kellogg's companies. The association works closely with parents and teachers organisations to promote breakfast as important part of a healthy diet. At the same time for example Kellogg's cereals contain between 2.4g and an 11g added sugars per 30g serving.⁹⁸ A survey by UK Consumer Organisation Which? “found that 32 out of the 50 [cereals] were high in sugar, and that 12 out of the 14 cereals (86%) aimed at children had excessive levels of added sugar.”⁹⁹ Although Kellogg has pledged for several years to reduce the amounts of sugars in these products, they remain way above the [WHO recommendation](#) of 5% or even the 10% mark.

Lobby spend: Updated in June 2016 from less than €9,999 declared to a lobby spend range of €200,000 - €299,999.¹⁰⁰

Lobbying themes: CEEREAL states, “Sugars in breakfast cereal can provide a quick source of energy in the morning after an overnight fast, especially important for children.”¹⁰¹ Member Kellogg commissioned the consulting firm Aspect to build up the European Breakfast Club, a series of round-table events on key words like nutrition, health, and sustainability. Aspect received €50,000 from Kellogg and an additional €199,999 from the Breakfast Club itself.

Partners/memberships/official EU groups: FoodDrinkEurope; European Federation of the Associations of Dietitians; European Parents' Association; European Medical Association.

⁹⁸ Dan Hyde, 'The 10 most sugary breakfast cereals', *The Telegraph*, 28 January 2015. <http://www.telegraph.co.uk/news/shopping-and-consumer-news/11373080/The-10-most-sugary-breakfast-cereals.html>

⁹⁹ 'Sweet breakfast cereals “too sugary for kid”', *NHS Choices News*, 16 February 2012. <http://www.nhs.uk/news/2012/02/February/Pages/breakfast-cereals-still-too-high-in-sugar.aspx>

¹⁰⁰ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=62882208965-81>

¹⁰¹ CEEREAL statement on sugars, 2009. <https://www.yumpu.com/en/document/view/41407246/ceereal-statement-on-sugar-su-8>

3. Comité Européen des Fabricants de Sucre (CEFS)

Website: <http://www.cefs.org/>

Description: Represents sugar producing companies and national sugar associations in trade, agricultural, and health policies.

Lobby spend: CEFS represents sugar manufacturers with lobby spending of €100,000€ - €199,999.¹⁰²

Lobbying themes: Its main lobbying positions serve to defend the interests of sugar producers in the EU including wanting to extend the quota system over fears of a flood of cheap imports from the world market. (In this it opposes the lobbying interests of the food and drink producers.)

It consistently claims that “sugar per se consumed in the context of a balanced diet, has not been established as a cause of obesity or Type-2 diabetes” and cites the problematic 2010 opinion of EFSA to support this view. CEFS uses this position to lobby against a sugar tax.

CEFS regularly proposes replacing the word sugar with broader terms like energy or carbohydrates.

Partners/memberships/official EU groups: FoodDrinkEurope; CEFS represents its members in international bodies and institutions such as the Codex Alimentarius.

¹⁰²EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=49679062863-35>

4. Committee of the European Sugar Users (CIUS)

Website: <http://www.cius.org/>

Description: Industry association of companies that “use almost 70% of the European annual consumption of sugar through its incorporation in a wide variety of added-value products”.¹⁰³ Members include Coca-Cola, Pepsi-Co, Kellogg’s, Unilever, Ferrero, Nestlé, Mondelez International and others.

Lobby spend: €170,000.¹⁰⁴ Employs Landmark lobby consultancy with spend of €10,000 - €24,999.¹⁰⁵

Lobbying themes: Usually, CIUS does not give input to health related consultations – the organisation is active in representing sugar-consuming actors in agri- and trade issues.

Their positions on ending the European sugar quotes will help the industry with cheaper sugar and HFCS, an issue of concern to health campaigners.

Partners/ memberships / official EU groups: Consultative committees: Civil Dialogue Group – sugar; member of CAOBISCO, UNESDA, EUROGLACES (European Ice Cream Association), and FEDIMA (European federation of manufacturers and suppliers of ingredients to the bakery, confectionery, and patisserie industries).

¹⁰³CIUS website. <http://www.cius.org/>

¹⁰⁴EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=44875424605-90>

¹⁰⁵EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=98945367035-89>

5. European Snacks Association (ESA)

Website: <http://www.esasnacks.eu/>

Description: Trade association covering about 80% of European snack market. Motto: “Savoury snacks can be part of a balanced diet.” Offers a “strong lobbying voice” to its members.¹⁰⁶

Lobby spend: €25,000-€49,999 a year on lobbying.¹⁰⁷ PR and lobby consultancy Fleishman-Hillard lists ESA as a client.¹⁰⁸

Lobbying themes: ESA lobbies the European Parliament and Commission, and lately also the Permanent Representations of Member States. To them it is “a logical step to work closely with seconded national [health] officers” as they observe an increase of food and health related developments decided at the national level.¹⁰⁹

Partners/memberships/official EU groups: FoodDrinkEurope.

¹⁰⁶ESA website. <http://www.esasnacks.eu/>

¹⁰⁷EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=00849042167-65>

¹⁰⁸EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=56047191389-84>

¹⁰⁹‘A strong voice in Europe’, ESA, op cit.

6. European Food Information Council (EUFIC)

Website: <http://www.eufic.org/>

Description: A think tank / information platform based in Brussels which claims to provide “science-based information on nutrition and health, food safety and quality”,¹¹⁰ in reality it acts more like a food industry lobby group. It is co-financed by the European Commission and the European food and drink industry. The Board includes members from Coca-Cola, Ferrero, General Mills, Mondelez Europe, Mars, McDonald’s, Nestlé, PepsiCo, and Unilever.

Lobby spend: EUFIC is not declared as a lobby group and so does not appear in the EU’s Transparency Register. Its total revenue was €2.2 million for 2014.¹¹¹

Lobbying themes: Responsible for FLABEL: www.flabel.org ‘Food Labelling to Advance Better Education for Life’, a partially EU-funded research project on food labelling. Industry commissioned two studies from EUFIC about consumer perceptions of food labelling. The studies focused almost exclusively on industry’s preferred GDA approach and did not compare it with the traffic light system to see which scheme provides shoppers with the best information at-a-glance on healthier foods. The vote went against the traffic light food labelling system.¹¹²

Official EU groups: With DG Research & Innovation and DG Santé, EUFIC participates in European health initiatives as research and dissemination partner. Participates in the Commission’s EU Platform for Action on Diet, Physical Activity and Health.

¹¹⁰ EUFIC website. <http://www.eufic.org/page/en/page/ONEUFIC/>

¹¹¹ EUFIC Annual Report 2014. http://www.eufic.org/upl/1/en/doc/EUFICAnnualReport2014_FINAL.pdf

¹¹² ‘A red light for consumer information’, Corporate Europe Observatory, op cit.

7. FoodDrinkEurope (FDE)

Website: <http://www.fooddrinkeurope.eu>

Description: The biggest and most powerful EU food and drink industry association; includes both sugar producers, and food producers who use sugar. Its 17 board members are mostly from multinationals: one seat goes to Coca-Cola, two seats represent sugar producers (Tate&Lyle & Südzucker), five seats are reserved for companies producing confectionery and snacks, broadly speaking (PepsiCo, Mars Nestlé, Ferrero, Kellogg) and four to other multinational food companies (General Mills, Danone, Mondelez, Unilever).

Lobby spend: FDE claims to spend €200,000€ - €299,999€.¹¹³ It employs 4 lobby consultancies, Landmark Europe (€24,999), Weber Shandwick (€24,999), BRM-Europe (€299,999), and Archimede (€9,999).¹¹⁴ The lobby expenses of its member organisations add up to at least €5.2 million.¹¹⁵ Coca-Cola alone spends €1.02 million of which €850,000 is spent on its lobby consultancies.¹¹⁶

Lobbying themes: FDE promotes the slogan, “There is no good/ bad foods, only good/ bad diets.” FDE developed the voluntary GDA amounts and supports TTIP, particularly regulatory cooperation. It has also attacked food regulation laws via REFIT.

Official EU groups: Expert groups (European Commission): Chaired ‘Healthy Diet for a Healthy Life’; Platform for Action on Diet Physical Activity and Health;¹¹⁷ High-Level Group for Action on Diet, Physical Activity; EU Social Dialogue in the Food and Drink Sector.

¹¹³ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=75818824519-45>

¹¹⁴ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=98945367035-89>

¹¹⁵ Four of the members are not registered to the register and one does not give any information on their expenses.

¹¹⁶ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=00475641564-03> ; <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=003394315003-45>

¹¹⁷ Annex 8a: 25 October 2013, European Commission has provided FDE with an additional platform seat.

8. International Food and Beverage Alliance (IFBA)

Website: <http://ifballiance.org>

Description: Brussels-based food and drink trade association of 11 companies — Coca-Cola, Ferrero, General Mills, Grupo Bimbo, Kellogg, Mars, McDonald’s, Mondelez, Nestlé, PepsiCo, and Unilever. Registered in Switzerland.

Lobby spend: Doesn’t appear in EU Transparency Register. The association points to a total expenditure for 2012 of around €1.8 million,¹¹⁸ of which one quarter goes to third parties for monitoring the voluntary commitments of the Platform for Action on Diet Physical Activity and Health.

Lobbying themes: Declared mission is “a common goal of helping people around the world achieve balanced diets, and healthy, active lifestyles” with a set of voluntary guidelines to this end.

Preferred tools are reformulation, consumer education, responsible advertising/marketing to children, and the promotion of healthy lifestyles.

Made a statement against sugar tax on soft drinks in response to WHO¹¹⁹ 2016 recommendations on Ending Childhood Obesity.

The Times of India reported that a leaked IFBA memo in 2015 reflected the group attempting to position itself to gain greater influence in WHO policymaking.¹²⁰ Accused of lobbying via member states to secure position as a non-state actor at the WHO.¹²¹

Official positions: IFBA has special consultative status with UN body ECOSOC(2008).

¹¹⁸ IFBA 2012 Expenditure, op cit.

¹¹⁹ The International Food & Beverage Alliance Statement on the Release of the Report of the WHO Commission on Ending Childhood Obesity, 25 January 2016. <https://ifballiance.org/wp/wp-content/uploads/2016/01/IFBA-Statement-on-ECHO-Report.pdf>

¹²⁰ Rema Nagarajan, ‘Leaked mail reveals lobbying by food, beverage giants to access policy making in WHO’, *Times of India*, 20 May 2015. <http://timesofindia.indiatimes.com/business/international-business/Leaked-mail-reveals-lobbying-by-food-beverage-giants-to-access-policy-making-in-WHO/articleshow/47361739.cms>

¹²¹ K M Gopakumar and Mirza Alas, ‘WHO: Work on non-State actors engagement framework to continue’, TWN Info Service on UN Sustainable Development, Third World Network, 27 May 2015. <http://www.twn.my/title2/unsd/2015/unsd150512.htm>

9. International Life Sciences Institute Europe (ILSI Europe)

Website: <http://www.ils.eu>

Description: European wing of powerful industry-backed group. ILSI was originally founded by a veteran Coca-Cola executive with the help of Pepsi and other food industry players in 1978. It funds industry-friendly research and specialises in lobbying member state, European, and international agencies such as EFSA and the WHO. It has had several conflicts of interest controversies with EFSA.¹²²

In the past there have also been several scandals over ILSI's undue influence at the WHO. Leaked emails from 2015 show the global head of ILSI reaching out to a US official for leads as "we would want WHO to start working with ILSI again... and for WHO to not only consider sugary foods as the only cause of obesity but to consider also the life style changes".¹²³ ILSI members span food as well as chemical, pharmaceutical, and biotech firms. Food industry members include Coca Cola, Pepsi, Nestlé, Red Bull, McDonald's, Tate & Lyle, Lucozade Ribena Suntory, Unilever, Mondelez Europe, Danone, and many other large food corporations, including Südzucker/BENEIO Group, the largest sugar producer in Germany.

Lobby spend: Not in the register. ILSI global income in 2014 is listed as €22 million.¹²⁴

Lobbying themes: ILSI's activities often are a vehicle to promote business-friendly scientific concepts and methodologies intended to influence new food and health policies, including in the area of diet, nutrition, food production, and health. Has an "Eating Behaviour and Energy Balance Task Force".

"ILSI Europe fosters collaboration among the best scientists to provide evidence-based scientific consensus on the areas of nutrition, food safety, toxicology, risk assessment, and the environment... ILSI Europe helps scientists from many sectors of society – public and private – to best address complex science and health issues by sharing their unique knowledge and perspectives."¹²⁵

Official EU groups: Currently lists 8 projects in collaboration, including funding and research, with EU institutions.¹²⁶

¹²² 'The International Life Sciences Institute (ILSI), a corporate lobby group', Corporate Europe Observatory, May 2012. http://corporateeurope.org/sites/default/files/ils_i-article-final.pdf

¹²³ Leaked emails Alex Malsapina ILSI, June 2015, US Right to Know. http://usrtk.org/wp-content/uploads/2016/06/Bowman-Malaspina-1-USRTK_00580.pdf

¹²⁴ ILSI website, About. <http://ils.eu/about/leadership-support/>

¹²⁵ ILSI Europe website. <http://www.ils.eu/Europe/Pages/HomePage.aspx>

¹²⁶ ILSI Europe, EC funding. <http://www.ils.eu/Europe/Pages/ECfunded.aspx>

10. Specialised Nutrition Europe (SNE)

Website: <https://www.specialisednutritioneurope.eu/>

Description: Trade association in Europe which groups together national associations for food producers addressing special dietary needs such as those with medical issues, allergies, infants and children, etc. Prominent members include Danone and Nestlé.

Lobby spend: Less than €9,999 declared for 2015.¹²⁷ However, lobby consultancy Grayling reports that it represents Specialised Nutrition Europe for a contract worth between €50,000 - €99,999, for the same financial year 2015.¹²⁸

Lobbying themes: In 2016 lobbied in Brussels for a baby food amendment that could allow up to 30 per cent energy from sugar in cereal-based baby foods.

¹²⁷ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=33498019160-40>

¹²⁸ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=53141413510-95>

11. Union of European Soft Drinks Associations (UNESDA)¹²⁹

Website: <http://www.unesda.eu/>

Description: Trade association of soft-drink manufacturers from around Europe and related national trade associations. Board includes representatives from Coca-Cola, Nestlé, RedBull, and other soft drink companies.

Lobby spend: UNESDA spends €699,999€ on lobbying.¹³⁰ They have a €200,000 - €299,999 spend on PR lobby consultants Fleishman-Hillard,¹³¹ who made the website ‘Why Food & Drink Taxes Won’t Work’ for UNESDA. <http://www.fooddrinktax.eu/>¹³²

Lobbying themes: These include opposition to sugar tax. Argue that sugary soft drinks are not responsible for obesity.

Partners / membership / official EU groups: Member of FoodDrinkEurope, CIUS, Committee of European Users of Sugar, ECR, Think Tank European Policy Centre and International Council of Beverages Associations whose secretariat resides with the American Beverage Association (ABA) in Washington, DC.¹³³ Part of EU Platform for Action on Diet, Physical Activity & Health (as part of industry delegation). Coca Cola funded health and wellness research through UNESDA’s Scientific and Regulatory Affairs Committee Europe to the tune of €242,000 between 2013-2015.¹³⁴

¹²⁹ Formerly: Union of European Beverages Association

¹³⁰ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=25492952296-56>

¹³¹ EU Transparency Register. <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=56047191389-84>

¹³² Web designers Morris-Chapman.com commissioned by Fleishman-Hillard for UNESDA. http://www.morris-chapman.com/portfolio_page/web-3/

¹³³ ICBA website. <http://www.icba-net.org/about-us/> Former New York mayor Michael Bloomberg came up against the might of the American Beverage Association when he attempted to ban soft-drink sizes over 16 ounces (~1/2 litre) in the city. The American Beverage Association, including members like Pepsi Cola and Coca-Cola, sued the City, arguing that the law “would have created an uneven playing field for thousands of small businesses in the city and limited New Yorkers’ freedom of choice”. In June 2014 New York’s Highest Court decided in favour of the Association (‘New York Big-Soda Ban Rejected by State’s Highest Court’, Bloomberg News, 26 June 2014. <http://www.bloomberg.com/news/articles/2014-06-26/new-york-big-soda-ban-rejected-by-n-y-top-court-as-overreach>)

¹³⁴ Coca-Cola Belgium, Volledig overzicht van onderzoek en partnerschappen 2015. <https://www.cocacolabelgium.be/nl/gezondheid/overzicht-onderzoek-en-partnerschappen>

12. World Sugar Research Organisation (WSRO)

Website: <http://www.wsro.org/>

Description: International scientific research organisation supported by the sugar industry. It receives money from 37 sugar enterprises all around the world. In reality it is a controversial key international lobbying arm of the global sugar industry (see box [Sweet little lies](#)) that has fought a powerful PR battle against the idea of the negative health effects of sugar.

Lobby spend: WSRO is the European research division of the US Sugar Association. It is not in the EU’s Transparency Register. WSRO’s net worth is listed as €370,000 in 2014.¹³⁵

Lobbying themes: WSRO’s mission is to “encouraging a better appreciation of the direct and indirect contribution made by sugar to the nutrition, health and well-being of all the populations of the world.”

Official positions: WSRO collaborates with the Food and Agriculture Organisation (FAO), the WHO and the International Life Sciences Institute (ILSI), has an observer status with the Codex Alimentarius Commission and has represented its Members in many Codex meetings on topics related to nutrition labelling and health claims.¹³⁶ Above that, WSRO organises big lobby events on sugars, welcoming well-known scientists, policy makers and other specialists.

¹³⁵ Company check WSRO accounts, op cit.

¹³⁶ Cristin Kearns, Stanton Glantz, Laura Schmidt, ‘Sugar industry criticism of our paper on how they influenced NIH contradicts industry’s own internal documents’, University of California, San Francisco, 04 April 2015.

