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Mandatory food labeling of trans fat acids:

qualitative analysis of the public consultation

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Davies VF, Jaime PC. Lei de rotulagem de alimentos em gordura trans: análise qualitativa da consulta pública. *Interface (Botucatu)*. 2017; 21(61):133-9.

The objective of this paper is to identify the stakeholders and their contributions to the public consultation carried out with regard to the mandatory trans fat acids food labeling proposal in Brazil. Methodology: thematic analysis of the documents. Results: 25 stakeholders made suggestions regarding the proposed law, and the majority belonged to the food industry sector. The following issues were raised: lack of knowledge among the consumers about trans fat acids; lack of information about trans fat acids in food composition tables and infrastructure to analyse the trans fat content of foods; voluntary trans fat labelling. Conclusions: The stakeholders addressed important issues, such as improving nutritional knowledge among the population. However, few stakeholders linked to consumers took part in the public consultation, which might lead to disproportionate influence of the food industry on the development of future food policies.

Keywords: Public consultation. Trans fat acids. Food labeling.

Objetivo: identificar os atores sociais e as suas contribuições na consulta pública realizada sobre a proposta obrigatória de rotulagem de alimentos no Brasil com gordura trans. Metodologia: análise temática dos documentos. Resultados: 25 atores apresentaram sugestões para a proposta da lei, e a maioria pertencia ao setor da indústria de alimentos. Temas encontrados: falta de conhecimento entre os consumidores sobre a gordura trans; falta de informação sobre gorduras trans em tabelas de composição de alimentos e de infraestrutura para analisar o teor de gordura trans nos alimentos; rotulagem voluntária da gordura trans. Conclusões: Os participantes abordaram questões importantes, como a necessidade de aumentar o conhecimento dos consumidores sobre gordura trans. Entretanto, houve poucos atores sociais ligados aos interesses dos consumidores que participaram na consulta pública, e isso pode levar a um desequilíbrio de poderes nas discussões sobre nutrição no Brasil.

Palavras-chave: Consulta pública. Ácidos graxos trans. Rotulagem de alimentos.

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Introduction

Epidemiological studies¹⁻⁶ have found a positive association between the consumption of trans fat acids and cardiovascular disease. Food policies aimed at reducing the consumption of trans fat acids have been implemented in different areas, such as banning the fat in any product (in Denmark for example), replacing it with healthier oils in industry (in Argentina), and mandatory food labeling in Canada⁷.

In Brazil, new mandatory food labeling for pre-packed foods was introduced in 2006. The objective of the Brazilian Government was to reformulate food labels to address the increased prevalence of chronic diseases in the population. Among the nutritional content that should be included on the label which was different from the previous law was information about trans fat acids.

The area of nutrition lies within a triangle of competing interests formed by the government, the private sector and consumers⁸. It is important to analyse this complex relationship between the different parties involved in the development of nutrition policies, in order to understand how the policies can achieve their true objective, the overall well-being of the population.

The objective of this paper is to identify the stakeholders and to present their opinions about the mandatory trans fat content during the public consultation carried out prior to the law coming into effect in 2007.

Methods

This research is a policy analysis based on documentary contributions from stakeholders in Brazil to the public consultation process of mandatory food labeling in trans fat acids.

The public consultation process started on August 1st 2003, and was open (online access) to all stakeholders in Brazil that wished to contribute to the law during a period of sixty days (public consultation number 65 related to the resolution project/SGT.03/Mercosur n03/2003 - technical rules to nutritional food labeling of pre-packed foods). Access to the public consultation documents was obtained by a direct request to the Brazilian Government.

Documents were coded and analysed using a thematic matrix⁹, which involved extensive initial reading of the documents to become familiar with the data. The technique comprised the following steps: rereading documents to identify themes for the organization of data; indexing the themes within the documents; removing data from the documents and transferring the data to a matrix theme (each theme relating to quotes from the participants). The matrix included the main ideas and perceptions of the individual on the theme.

The stakeholders that made contributions to the public consultation were divided into five groups of stakeholders linked to: academic/health professional bodies; other professional bodies, the pharmaceutical industry, the government, the food industry (which included food trade associations, food manufacturers, the restaurant and hotel sector, technical food consultants, non-governmental organizations (NGOs) linked to the food industry, and legal consultants).

Results

The documents revealed that twenty five stakeholders made contributions to the public consultation; six from academic and health professional bodies, two from other professional bodies, two from government departments, 14 from the food industry, and one from the pharmaceutical industry.

Overall, 23 stakeholders supported non-mandatory food labeling for trans fat acids, with only two stakeholders in favour of the proposed mandatory law.

The qualitative analysis of the public consultation documents revealed 3 key themes: consumers, trans fat acids analysis, and voluntary labelling.

Theme 1 - Consumers

In this theme, two points were addressed by the stakeholders: consumer knowledge and food education.

It seems that the majority of the stakeholders were concerned that the consumers might not fully understand what trans fat acids are. The only two stakeholders that did not consider a lack of knowledge to be an obstacle to the implementation of the law were from the groups of academic and health professionals. According to the stakeholders, the main risk is that consumers may confuse the term *trans* with *transgenic*.

“The tendency of the consumer is to associate trans fat with transgenic, which will not help to achieve the aim of the trans fat food label, which is the prevention of cardiovascular disease. On the other hand, it could lead to a depreciation of the product image”. (The food industry)

However, only four stakeholders (categories: food industry, academic/health professionals and other professional bodies) suggested ways to deal with the problem, i.e. through nutrition education.

Due to the fact that information about cholesterol was mandatory in the most recent food labeling law in Brazil, this was used by some stakeholders as an argument for the government to continue providing information only about cholesterol, rather than introducing information about trans fat. In this case, the stakeholders' perception of consumers was that they *did* have sufficient levels of literacy and education to understand food labels.

“We do not understand why information about cholesterol should be withdrawn, as the consumers are very interested in this information to prevent cardiovascular diseases”. (Food industry trade association)

It could be observed that the arguments used by the stakeholders to object to the food labeling law appear to be somewhat contradictory; at times consumers were regarded as very informed, for example with regard to cholesterol, while at other times they were considered to be uneducated and hence not capable of understanding information regarding trans fat.

“Cholesterol information is very important for the consumers but they don't have enough knowledge to understand things like saturated fat and trans fat”. (Academic/health professional)

Theme 2 - Trans fat acids analysis

This category included three main arguments employed by the stakeholders to justify their views against mandatory trans fat acids labelling in Brazil: lack of human resources, lack of suitable laboratories, and the costs of analysis.

There was general concern about the lack of information available in food composition tables for trans fat acids. The stakeholders (the food industry, academic/health professionals and other professional bodies) argued that for this reason they would be obliged to conduct trans fat food analyses at their own expense. In their view this could represent a major difficulty due to a lack of both trained personnel and suitable equipment.

In addition, these stakeholders mentioned that the cost of the trans fat acids analysis could be a financial burden for small and medium businesses, leading to an increase in food prices.

“The mandatory law about food labeling in trans fat acids presumes that there are laboratories able to make analyses, as there have been few foods analyzed for their trans fats content until now, so the manufacturers will be obliged to carry out the analysis. It is well known how

expensive this kind of analysis is, as well as needing technologically advanced instruments and well trained human resources". (Academic/health professionals)

"To make food label information about trans fat acids compulsory will have a direct impact on small and medium businesses, as they will have to analyze their products, and that will be expensive. The prices of industrialized foods in Brazil and Mercosur will rise as a result". (Food industry)

Theme 3 - Voluntary food labeling

In this category the debate focused on whether Brazil should have voluntary trans fat labelling instead of a mandatory law, or indeed whether any labelling about this substance should be necessary. One stakeholder (other professional body category) recommended that the food industry and governments could work together to minimize and limit the trans fat acids content in products to 0.1%, meaning that mandatory labelling would not be necessary.

The stakeholders (the food industry group) also argued that there were already products on the market with no or very low levels of trans fat acids, and consequently there is no need for mandatory legislation.

"Nowadays, there are methods that avoid the formation of trans fat acids during the manufacturing of a product. This technology has led to a decrease in the consumption of trans fat acids around the world. As a result, the population already consumes low levels of trans fat acids." (Technical food consultants linked to the food industry)

Discussion

The main results from the public consultation analyses showed that the majority of the stakeholders showed no support for the implementation of the law making trans fat acids labeling mandatory. Issues were raised regarding the consumers ability to understand the information, the problem of rising prices related to the lack of human resources, suitable laboratories and the costs of analysis for trans fat content of foods in Brazil, as well as the possibility of having a voluntary instead of a mandatory labelling.

Although the public consultation process for the introduction of mandatory food labeling for trans fat acids in Brazil was open to all stakeholders in the country, the majority of the stakeholders that made contributions came from the food industry. The fact that the majority of the stakeholders were against the implementation of the mandatory trans fat label law was predictable considering their conflicts of interest with the proposed law. There were no representatives from consumer associations, nor from non-governmental organizations motivated by public interests. There has previously been a similar situation in Denmark; initially there was resistance from the food industry and some academic and health professional bodies to changes related to trans fat acids in the food chain. Some of the arguments used by these stakeholders were the same as those in the public consultation presented in this paper. However, thanks to a proactive nutrition institution funded by the government (Danish Nutrition Council), which kept pressure on the politicians and the industry through the media, a law was implemented restricting trans fat to 2% in food¹⁰.

The issues addressed by the stakeholders during the public consultation in Brazil have been raised in other publications about trans fat acids¹¹⁻¹⁵, and should be taken into account. For example,

stakeholders' concern regarding consumers' knowledge is an issue of considerable importance for the success of food labeling. Food labeling is an intervention which should benefit all segments of society. If this knowledge gap is not addressed, only the higher-income, more educated segments of the population are in a better position to take advantage of food labeling policies¹⁶. A multisectorial approach, through the establishment of partnerships with the media, academia, health professionals, schools and the food industry, it would be appropriate for designing nutrition education strategies for the general population.

It was claimed by a number of food industry stakeholders that due to the lack of information in food composition tables, they would have to perform their own analyses of trans fat content in their products and would consequently have to raise their prices. The increase in prices resulting from a mandatory food labeling law is a controversial issue; some authors¹⁴ have argued that price increases can occur in foods when technologies are applied to reduce trans fat acids and at the same time to reduce saturated fat. On the other hand, a study conducted in Denmark¹⁷ reported that food labeling for trans fat acids did not have any effect on the price, quality or availability of products that contained high amounts of trans fat acids before the implementation of the law. This is particularly important considering that in this country the expenses were not only related to the analysis of trans fat, but also to the development of new products, since the legislation in Denmark does not allow the sale of foods with more than 2% of trans fat acids.

The stakeholders (i.e. the NGO linked to food industry interests, food manufacture, food industry trade associations, professional bodies linked to the industry) have proposed a voluntary label instead of a mandatory food label for trans fat acids. However, the studies reveal that a mandatory law seems to encourage food manufacturers more than voluntary legislation to develop new products and to improve the ones already on the market, such as biscuits and savoury snacks, which benefits all consumers, not only those that look for food label information^{14,18,19}. In addition, mandatory labelling facilitates the establishment of uniform standards of information, instead of asymmetric information⁸.

Despite the opposition and the issues raised by most of the stakeholders that participated in the public consultation, the law was approved and the manufacturers had 3 years to prepare for its implementation. After nearly ten years of mandatory nutrition labeling in Brazil, some criticisms and proposals have been made by Organizations such as the IDEC²⁰ and the CONSEA²¹ to improve the labelling with regard to trans fat information. There has been a great deal of debate around the world regarding food labeling in general²² and specifically with a view to making labels more consumer friendly. It is expected that should further public consultation on the subject be conducted in Brazil, a larger and more diverse number of stakeholders would contribute compared to those described in this study.

Final considerations

There was a lack of participation from consumer associations in the public consultation about mandatory food labeling for trans fat acids. This situation should be addressed in future public consultations by consumer organizations, linked to public interests and working with non-communicable diseases, in order to counterbalance the influence on the population's health of big food companies, supermarkets and fast food restaurants. Unsurprisingly, as most of the stakeholders that participated in the public consultation in Brazil were food industry representatives, the consultation process showed that overall opinion was opposed to the implementation of the law. The issues raised by the stakeholders during the public consultation could be an important starting point to evaluate the implementation of the law.

Colaboration

Vanessa Fernandes Davies wrote the first draft of this paper; Patrícia Constante Jaime gave feedback and guided the development of the manuscript. All authors critically reviewed the manuscript and approved the final version submitted for publication.

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Davies VF, Jaime PC. Ley de rotulación de alimentos con grasa transgénica: análisis cualitativa de consulta pública. *Interface (Botucatu)*. 2017; 21(61):133-9.

Objetivo: Identificar actores sociales y sus contribuciones en la consulta pública realizada sobre la propuesta obligatoria de rotulación de alimentos en Brasil con grasas transgénicas. **Metodología:** Análisis temático de documentos. **Resultados:** 25 actores presentaron sugerencias para la propuesta de ley, y la mayoría pertenecía al sector de la industria de alimentos. **Temas encontrados:** Falta de conocimiento entre consumidores sobre grasas transgénicas; falta de información sobre grasas transgénicas en tablas de composición de alimentos e infraestructura para analizar grado de grasas transgénicas en alimentos; rotulación voluntaria de grasas transgénicas. **Conclusiones:** Los participantes abordaron cuestiones importantes, como la necesidad de aumentar el conocimiento de los consumidores sobre grasas transgénicas. No obstante, hubo pocos actores sociales ligados a los intereses de los consumidores que participaron en la consulta y eso puede llevar a un desequilibrio de poderes en discusiones sobre nutrición en Brasil.

Palabras clave: Consulta pública. Ácidos grasos trans. Etiquetado de alimentos.

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