

## Regulatory governance pathways to improve the efficacy of Australian food policies

Food policies are not achieving their full potential to create food environments that provide healthier food options, change consumer behaviour and improve health outcomes. This research project examined the state of knowledge internationally on the regulatory governance conditions present in the design and implementation stages of food policies that did effect positive outcomes, and critically assessed three Australian food policies for the presence of these conditions.

### The project aimed to

- Identify the regulatory governance conditions in the global evidence base that were necessary and sufficient for food policies to have positive impacts on food environments, consumer behaviour and/or nutrition-related health outcomes.
- Examine the extent to which Australian food policies possess these necessary and sufficient conditions, focusing on the Australian National Association of Advertisers (AANA) Food and Beverage Advertising Code<sup>i</sup>; Health Star Rating Front of Pack labelling system<sup>ii</sup>, and Food reformulation under the Healthy Food Partnership (HFP)<sup>iii</sup>.
- Make recommendations for maximising the efficacy of the Australian food advertising codes, front of pack labelling scheme and food reformulation under the HPF.

### What we found

#### International evidence

- Comprehensive monitoring is a necessary regulatory governance condition i.e. must always be present, for positive policy impact. Policies do not work without regular and transparent monitoring and review that is independent from the food industry.
- There are two regulatory governance pathways that are sufficient for policy success in relation to population nutrition:
  1. A combination of minimal industry involvement; government-led policy with mandatory regulation; use of international best practice instrument design, and comprehensive monitoring and enforcement.
  2. A combination of minimal industry involvement, best practice instrument design and comprehensive monitoring.
- The lack of success of food policies for population nutrition is due to shortcomings with regulatory governance, including the actors involved (**high industry involvement**), the way policies are formulated (**reliance on self-regulation and non-binding partnerships**) and the implementation processes (**poor monitoring and enforcement systems**).

#### Australian policies

- The AANA food and beverage advertising codes do not have any of the necessary or sufficient conditions related to policy success for population nutrition purposes. The decisions on what types of foods are subject to the regulations, the standards used to set policy parameters, and compliance monitoring are made by the advertising industry. This is consistent with high industry involvement, which our research has shown to be one of the conditions for policy failure.

- While the Health Star Rating System has comprehensive monitoring (a necessary condition for policy success), there are challenges in relation to the sufficient regulatory governance conditions. There is food industry involvement in the governance of the policy, the policy instrument (label) is voluntary and there is no enforcement system. Our research has shown that for voluntary policies to work, there must be no industry involvement in the governance of the policy, and the policy instrument must be designed following international best practice for public health which include nutrient criteria that is set without industry involvement.
- The regulatory governance of food reformulation under the Healthy Food Partnership also lacks the necessary and sufficient conditions for policy success. The food industry is involved in the reformulation working group which is tasked with making decisions on the foods/ categories that are subject to reformulation, setting targets and evaluating the impact of the reformulation activities. Industry involvement in governance of voluntary initiatives is one of the conditions for policy failure. There is no monitoring except self-reports by industry and there are no plans to review the partnership after four years. Our research has shown that policies do not work without comprehensive monitoring.

## Policy implications

### *AANA Food and Beverage Advertising Code*

- There should be changes in the arrangement of actors involved in designing and administering the codes. The Australian Communications and Media Authority in collaboration with the Federal Department of Health and States/Territories governments could oversee the design and administration. The involvement of the advertising and food industries should be minimised.
- The design of the codes (goals, standards and terms) should be based on best practice – in this instance the World Health Organization recommendations<sup>iv</sup>, focussed on reducing exposure of children to unhealthy food and beverages marketing. The decisions on which foods are suitable for marketing to children should be based on evidence-based nutrition criteria that is endorsed by the Federal or States/Territories Departments of Health.
- There should be routine monitoring of children's exposure to unhealthy food marketing across different platforms of exposure and forms of food marketing ranging from television, digital marketing, sport sponsorship and children's spaces. The monitoring of compliance to the code should be done by a third party, such as civil society, and reports should be published on public platforms.
- There should be an enforcement system with sanctions for non-compliance of the best-practice codes.

### *The Health Star Rating Front of Pack Labelling System*

- The involvement of the food industry in the governance of the labelling scheme should be eliminated, especially in the decisions around the nutrient criteria for scoring the foods and the graphics of the labels.
- The regulatory design of the scheme should be changed from the current public-private partnership to a government-led mandatory legislation that is underpinned by legislation. This would place the responsibility of designing the policy, including the criteria for scoring foods, with government, which is in line with international best practice for front of pack label design<sup>v</sup>.
- Introducing mandatory sanctions for noncompliance, combined with existing comprehensive monitoring systems will ensure that the health star rating system has all the essential elements for policy success.

### *Healthy Food Partnership Food Reformulation*

- For voluntary reformulation initiatives to work, they must be government-led, and industry involvement in the design (target setting, selection of food categories for reformulation) should be minimised.
- Introduce a systematic monitoring system to evaluate how food reformulation is progressing against the targets in the different categories. A wide range of indicators should be used to measure progress, these can include content analyses of the food supply, population nutrient intakes and consumer behaviours. Monitoring should be performed by an external body and there should be scheduled reviews of the reformulation initiative.

### **Interested in finding out more about the project?**

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Associated research publications:

- Ngqangashe Y., Goldman S., Schram A., Friel S. A narrative review of regulatory governance factors that shape population nutrition policies. *Nutrition Reviews*. 2021. 10.1093/nutrit/nuab023
- Ngqangashe Y., Schram A., Friel S., The regulatory governance conditions that support effective food policies for population nutrition: a qualitative comparative analysis (*under review*).

For further information about the work of the [Menzies Centre for Health Governance](#) or email [mchg@anu.edu.au](mailto:mchg@anu.edu.au)

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<sup>i</sup> <https://aana.com.au/self-regulation/codes-guidelines/food-and-beverages-code/>

<sup>ii</sup> <http://healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/content/home>

<sup>iii</sup> <https://www1.health.gov.au/internet/main/publishing.nsf/Content/Healthy-Food-Partnership-Reformulation-Program-Frequently-Asked-Questions>

<sup>iv</sup> World Health Organization. (2012). A framework for implementing the set of recommendations on the marketing of foods and non-alcoholic beverages to children. [https://www.who.int/dietphysicalactivity/framework\\_marketing\\_food\\_to\\_children/en/](https://www.who.int/dietphysicalactivity/framework_marketing_food_to_children/en/) . Accessed 25 May 2021.

<sup>v</sup> World Cancer Research Fund International (WCRF). Building momentum: lessons on implementing a robust front-of-pack food label. London (UK): WCRF; 2019. Available at: [www.wcrf.org/int/policy/our-publications/lessons-implementing-front-of-pack-label](http://www.wcrf.org/int/policy/our-publications/lessons-implementing-front-of-pack-label). Accessed 25 May 2021.