

# The Global Fruit & Veg Newsletter



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## Food regulation and F&V promotion in Brazil

### Edito

This Global F&V Newsletter features Brazil's new dietary guideline role on promoting fruits and vegetables highlighting some key principles and perspectives adopted by the guideline to promote fruits and vegetables among other real foods. The Guideline was designed for the Brazilian population, but has achieved a global recognition as a reference of meals-based guidelines, moving recommendations from nutrients to foods and meals, and valuing the multiple dimensions of food and nutrition, beyond the biological one, encompassing the socio-cultural, economic, and environmental ones. The first paper shows how fruits and vegetables among the healthy and sustainability promoting foods benefit from the Guideline.

As the Brazilian Guideline also highlights that there are obstacles to overcome that are beyond the reach of a dietary guideline. Barriers that have been undermining the consumption of fruits and vegetables and other essential foods, by means of the unrestricted promotion of competing ultra-processed products. Hence, this issue of Global F&V Newsletter also features two papers that deal with some of these obstacles: marketing and labeling tactics used to promote ultra-processed products.

The paper on labeling indicates some of the policy-action vacuums on the regulation and also presents some opportunities to fill these gaps. Some existing and new mechanisms to regulate marketing in all its forms in Brazil, particularly when targeted at children, have been presented in the third paper. Despite these recent progresses or opportunities to improve the country's legal framework, stronger regulations as well as mechanisms to protect public policies from opposing interests' interferences are still required.

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# How the new Brazilian dietary guidelines work with the promotion of fruits and vegetables

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In the absence of regulations to reduce the demand, offer, availability, affordability and desirability of superfluous edible products (e.g. sugary drinks, energy dense ready-to-eat products and other ultra-processed products), essential foods such as fruits and vegetables have been increasingly displaced by these products<sup>1,3</sup>. While such products penetrate into diets and food systems, populations start to lose the notion of what is food, along with all fundamental aspects of the way we relate to food and its impacts over health, culture, natural resources and social relationships. Fruits and vegetables, besides being displaced, have their images misused in ultra-processed products to create misleading notions that they equal or replace fresh fruits and vegetables consumption<sup>1,4</sup>.

The new Brazilian Dietary Guideline (Guia)<sup>3</sup> was designed to recover the meaning of food and promote the recognition of eating as a socio-political and cultural act. It also aims at valuing healthy traditional eating practices and food systems, and embracing Brazil's agro and socio-biodiversity.

## More real food, more fruits and vegetables

Brazil has a vast variety of fruits and vegetables prepared and eaten in many different ways, hence they are a powerful resource to achieve the Guia call for Brazilians to eat and value real food. Furthermore, by moving from a nutrient-based perspective to a food-based one, and then from foods to meals, the Guia improved its communication with the population and improved the potential social traction of the recommendations, as Brazilians rarely eat foods out of a prepared meal, even some fruits that are commonly eaten separately, are also merged to some preparations<sup>3</sup>.

An endless list of traditional Brazilian dishes, even the ones eaten for especial occasions or celebrations, include fruits and/or vegetables, such as in the *feijoada* with kale and orange; *moquecas* with tomatoes, onions and herbs; chicken with okra; *jabá com jerimum* with pumpkin and onions; rice with *pequi*; fish and shrimps with açaí; *tacacá* with *jambú*; *manissoba* with cassava leaves; oxtail with watercress<sup>5</sup>.

Hence, the achievement of the Guia's objective 'to support and

encourage healthy eating practices' is inherent to the promotion of fruits and vegetables. In addition, as the guideline focus on *natura* or minimally processed foods\*, it avoids those distortions advanced by ultra-processed product corporations, that make people believe that they are having a lot of fruits or vegetables, when in fact they are eating a product with no or very few fruits and/or vegetables. Within this perspective, the Guia also helps deconstruct the misleading idea built by Big Snack corporations that ultra-processed products containing ingredients derived from fruits and vegetables equal the benefits of eating fresh or minimally processed fruits and vegetables<sup>1,4</sup>.

## Favourite fruits and vegetables

By evoking the multiple dimensions and values of food and eating practices the Guia also highlights key nodes of the food system that favour the purchase and consumption of fruits and vegetables produced by small-scale local farmers and food vendors. Concrete recommendations on where to buy food encourage Brazilians to favour food fairs and farmers markets or direct purchase from small-scale farmers instead of super and hypermarkets<sup>3</sup>. This strengthens the essential socio-economic dimension of food and nutrition, not only by expanding the opportunities to increase the demand for fruits and vegetables along its offer and availability, but also by preserving local food systems and agrobiodiversity.

The Guia stresses that 'healthy diets derive from socially and environmentally sustainable food systems', so by principle dietary recommendations need to be aligned with environmental integrity<sup>3</sup>. Without which, ways of production favouring monocropping, intensive biocides and synthetic fertilisers will deteriorate the natural resources that provide us nutritious and diversified fruits and vegetables.

Along these lines, the Guia is clearly in the position of going beyond its expected to benefit the Brazilian population, it is certainly inspiring many other countries to protect their diets and food systems from the penetration of the competing ultra-processed products and promote healthy and sustainable eating and production practices of fruits and vegetables.



\* Natural foods are obtained directly from plants or animals and do not undergo any alteration following their removal from nature. Minimally processed foods are natural foods that have been submitted to cleaning, removal of inedible or unwanted parts, fractioning, grinding, drying, fermentation, pasteurisation, cooling, freezing, or other processes that may subtract part of the food but which do not add oils, fats, sugar, salt or other substances to the original food<sup>3</sup>.

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# Food labeling in Brazil

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## The food labeling scenario

The right to adequate and clear information about the products available on the market, with correct specification of quantity, characteristics, composition, quality and price, as well as the risks they present, is provided by a Brazilian federal law since 1990, the Consumer Protection Code. Adequate food labeling regulation is essential to guarantee this right and is an important tool to engage consumers with healthier food choices.

Despite the federal law, the Brazilian food labeling regulation does not offer enough protection for consumers. There are specific regulations on the general food labeling, mandatory nutritional information, nutritional claims, among others, and more recently approved the mandatory information on allergenic foods. However, according to Brazilian studies, the labeling information is still not well understood by consumers, and it is very common to find it misleading or a lack of information on food labels.

The improvement of the food labeling regulation in Brazil is not only necessary for the accomplishment of consumers rights, but it is a strategy aimed to cope with the rising trend of non-communicable diseases (NCD) which are, altogether, the major causes of mortality and morbidity of the Brazilian population. The Brazilian Institute for Consumers Defense - Idec is an independent non-governmental organization that has among its main objectives to influence the improvement of the food labeling regulation in Brazil.

## Consumers behaviour on food labeling

In order to fill the knowledge gaps and increase public awareness on food labeling improvements, Idec conducted a study to evaluate the awareness, behavior, perception and preference of consumers with regard to food labeling according to the presence of NCD. This study was funded by the International Development Research Centre – IDRC.

The study was conducted in May 2013 with 817 women from four State capitals in Brazil, representing four of the five geographical regions of the country. The sample had the same socioeconomic distribution of the population of each city and was divided in two groups: 'with NCD' if she or someone in her home has a NCD or 'without NCD', for the opposite situation.

We have found major problems in consumers' relationship with food labeling, including the understanding and the use of nutritional information. Regardless of the city, NCD diagnosis, family income, education or family composition, the understanding of nutritional information was low.

Regarding the habit of reading food nutritional labeling, 46% of women have stated that 'sometimes' they read nutritional labeling. Even though nutritional information was considered

highly important for food purchase, less than half of women knew that nutritional labeling is mandatory by law.

Most respondents (almost 80%) believe that nutritional information in a larger font size than that of the nutritional table, with colors and at the front of the package, such as the traffic light labeling (a proposal to simplify the nutritional information at the front of packages), would make them more or much more understandable. According to 59% of respondents, colors on nutritional labels would encourage a change in their food consumption habits.



## Perspectives and challenges

The survey results reinforced the need for improvements on food labeling information in a way that the information be simpler and clearer and without misleading the consumers. Food labeling regulation in Brazil is an extremely complex and diffused process, of primary responsibility of the National Health Surveillance Agency – Anvisa of the Ministry of Health. However, other Ministries and even the National Congress have rules governing this matter. Also, many of the labeling regulation were harmonized in the Mercosur, so that any regulation change should be renegotiated between countries.

This tortuous regulation process only benefits the transnational food companies, so called 'Big Food', in Brazil and other Latin American countries. These companies are resistant to changes on food labeling that highlight the unhealthy nutritional composition or characteristics of ultra-processed products or limit the use of aggressive marketing strategies to children.

Food labeling improvements are already on the agenda of the Ministry of Health and the revision of the nutritional labeling is on course. However, it will be necessary to overcome the existing barriers so that the Brazilian consumers can fully exercise their right to choose and also have the right to adequate and healthy food guaranteed.

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# Progress and Challenges in the Regulation of Food Advertising in Brazil

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The Brazilian government has been implementing over the last two decades a set of policies, programs and actions intended to promote healthy eating and guarantee food security and nutrition. Some of these measures involve stimulating the production and consumption of fruits and vegetables free of pesticides and other contaminants, foods that have not been eaten in sufficient quantities by Brazilians generally. However, such initiatives typically clash with commercial private sector practices that aim to increase the supply and marketing of processed foods whose consumption, in turn, has been growing. The nutrient composition of such products is characterized by high fat, sugar, and salt and its consumption has been associated with various health problems. These practices also contribute to environmental and social problems and even affect the cultural diversity of traditional Brazilian food<sup>1</sup>.

The type of advertising practiced by these industries, in turn, has been considered harmful for violating a number of rights, especially those of children. In addition, it hinders the adoption of healthy food choices and affects household purchasing practices through persuasive and even unethical advertising strategies. Therefore, the regulation of the advertising of food products plays a strategic role as a measure of protection, especially to the most vulnerable to marketing appeals, such as children.

## The regulatory panorama

The advertising market regulation emerged in Brazil in the 60s. However, it was the Federal Constitution of 1988 that ensured to the State the power to protect the population's health from potentially harmful advertising strategies and practices. The Consumer Protection and Defense Code (Law 8078/90) includes various protective clauses against misleading and abusive advertising and has confirmed the 1988 text.

Currently, some regulations and practices represent important advances in this area, especially the Law 11.265 of 2006, which regulates the marketing of foods for infants and young children, and encourages breastfeeding exclusively for the first six months

of age and its partial continuation after the introduction of other foods, of up to two years of age. Also Resolution RDC 24, 2010 of the National Health Surveillance Agency (Anvisa), which regulates and controls advertising and other related practices of foods with high amounts of sugar, saturated fat, trans fat, sodium and beverages with low nutritional value. Further, Resolution 163 of 2014 of the National Council for the Rights of Children and Adolescents (CONANDA) that defines as abusive the practice of targeting advertising and marketing communications to the child with the aim of persuading consumption. In addition to all of the above there exists, since 2000, 81 pending legislative proposals in Congress, especially PL 5921/2001 that prohibits advertising aimed at children, currently awaiting approval<sup>2</sup>.

## Conflict of interests and the role of the state

Despite these advances, RDC 24 was temporarily suspended by an injunction from the Federal Court, at the request of the Brazilian Association of Food Industries, which questioned the competence of Anvisa to regulate this subject<sup>3</sup>. This measure shows that there is a conflict of interests between the commercial private sector and certain sectors of government in the face of government strategies aimed at protecting the right to adequate and healthy foods, which was established in the Brazilian Constitution and Organic Law. This underscores the political influence of the private industry lobby in Brazil, highlighting the complexity of this regulatory field which is tasked with resolving practical, social, and political issues involving different actors<sup>4</sup>.

The issue of regulating food advertising still needs to evolve and there still is much discussion when it comes to questioning the effects of advertising, especially on children's education. The participation of the commercial private sector in the decision making process of policies whose practices hurt the principles guided by legislation, can delay or prevent the achievement of expected goals<sup>5</sup>. The challenge of promoting healthy eating persists and the State must assume its key role of regulating the advertising practices of food products to ensure and protect the rights involving the adoption of healthy dietary practices.



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