

Obesity in Mexico: The challenging case of warning labels

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The story of public health in regard to food is the same story as the fight against tobacco. Industries seek protection of their economic interests, not the health of the population or the guarantee of human rights, and it is essential to be aware of this from the beginning.

Mexico is facing the worst obesity crisis in its history. According to the latest National Health and Nutrition Survey (2018), 35.6% of children, 38.4% of adolescents and 75.2% of adults already have some degree of overweight or obesity. After a long struggle, Mexican legislature approved a series of reforms to the General Health Law supported by the public, academics and civil society.

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In October 2019, the Chamber of Deputies and the Senate of the Republic carried out a historic vote which established that front labelling must be clear, truthful and easy to understand. In addition, it was specified that warning systems should be used for products containing excess sodium, fats (including, for the first time in Mexico, a mandatory statement for trans fats), sugars and calories, as well as any other element that the health authorities consider as requiring a warning.

Similarly, products containing caffeine or non-caloric sweeteners will also carry a warning specifically aimed at children. This was achieved despite strong opposition from lobbyists in the ultra-processed food and beverage industries. Subsequently, in January 2020, the Secretariats of Economy and Health approved Official Mexican Standard 051, which would comply with the provisions of the legal reforms. However, the powerful economic interests of these industries are intent on stopping the application of this measure, and are arguing all kinds of falsehoods before the judiciary.

Proposals based on science to benefit the population

The new food and beverage labelling proposal includes the use of sound scientific evidence, free of commercial interests. During the working groups, organisations such as UNICEF, the Pan American Health Organization (PAHO), the National Institute of Public Health, the Consumer Defense Prosecutor, the Health Secretariat, the National Institute of Nutrition, and the National Autonomous University of Mexico, as well as civil society, agreed on the necessary modifications to clarify information to consumers.

Additionally, the international announcement of this labelling resulted in a shower of letters of support and congratulations addressed to the Mexican government. These letters were sent by expert health organisations including the [NCD Alliance](#) [1], [World Obesity Federation](#) [2], [World Cancer Research Fund](#) [3], [World Association of Nutrition and Public Health](#) [4] and the [Healthy Latin American Coalition](#) [5].

The Standard proposes the use of octagonal warning stamps, a model similar to that used in Chile, Uruguay and Peru, as well as some innovative elements that make it unique.

In addition to regulating the use of characters aimed at children, warning symbols must be put on products with caffeine, since most girls and boys in the country consume soft drinks with significant amounts of this substance. Caffeine consumption in childhood is not recommended by any medical society or dietary guide; to the contrary, it has stimulatory effects on the nervous system. The obligation has also been established to create an icon for non-caloric sweeteners since evidence indicates a clear habituation to the sweet taste from childhood if these flavours are consumed frequently and in large quantities.

This paints a different landscape for industries, since in their reformulation they will have to think carefully about producing less processed and healthier foods and beverages – not just substituting sugars for artificial sweeteners. These icons will be accompanied by the phrases "**contains sweeteners / contains caffeine / not recommended for children**".

In addition, the new warning labels will use the PAHO Nutrient Profile System. This last point has been widely celebrated, since it positions Mexico as the first country in the Americas to use this nutrient profile in its labelling regulation.

All these agreements were achieved thanks to a great effort and in spite of the strong opposition of the food and beverage industries, which undoubtedly had an aggressive, constant and numerous presence in the working groups. However, after the approval of the Standard, these actors with their powerful economic interests intensified attacks on regulations.

Industry attacks: Organisations and researchers targeted

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After the vote in favour of the Standard, the chambers of the food and beverage industry (represented by the Confederation of Industrial Chambers and the Business Coordinating Council) filed an [appeal](#) [6]. This legal recourse managed to temporarily stop the publication of the Standard. This action was strongly criticised by society as a clear attempt to violate their right of access to information. The outrage was such that even representatives of the legislature have gone to the media to express their disagreement and presented an [appeal](#) [7] for the Standard to be published as soon as possible.

Before the judiciary, industries have argued that "scientific evidence was not used for drafting the Standard", "that they were not heard during the process" and that "the proper process was not followed". They also threatened to "use all legal resources at their fingertips" to prevent the Standard from being [published](#) [8].

Fortunately, the suspension was revoked by a Collegiate Court, which means that the Standard can continue with its publication process. In spite of these industry efforts, the Mexican government announced the new legislation in the Official Gazette of the Federation on Friday 27 March, the last step to make the implementation of this labelling a reality.

All of these industry assertions are of course false and the health and economic authorities have publicly declared that these actors did indeed form part of the working groups in which multiple agreements were reached. Now, all eyes are on the judges to find out their final resolution on the appeal presented by the industrial groups.

By analysing industry attacks, the type of technique they are trying to use can be clearly identified. As the [World Cancer Research Fund](#) [9] has classified, these actors try by all possible means to **Delay** (suspending publication of the standard, asking to start the process again from the beginning, and arguing that more research is needed on the subject), **Divide** (argue that they have an alternative labelling proposal), **Deny** (argue that no scientific evidence was presented), and **Distort** (argue that labelling will not help and the solution lies in education or increased physical activity, arguing that warning labels do not inform, etc.).

In addition to these tricks, they have tried to defame and personally attack investigators, public servants and activists who support this measure.

This behaviour has been seen before. The story of public health in regard to food is the same story as the fight against tobacco. Industries seek protection of their economic interests, not the health of the population or the guarantee of human rights, and it is essential to be aware of this from the beginning.

The implications: Our health and rights violated

The ball is now in the court of the judicial branch. Although the suspension has been revoked, the appeal is still alive and awaiting a final resolution, and given the behaviour and threats of the industries, we can expect more legal action. It is in their hands to review the process thoroughly and verify that the industries participated in all of the meetings. It is in their hands to listen to the scientific evidence.

It is in their hands to favour the rights of consumers, the rights of children, and the human right to information and the protection of health, over the trade rights of brands.

In the framework of [World Obesity Day](#) [10], the UNICEF representative in Mexico, Christian Skoog, said "**every day that passes without clear labelling is a day in which the rights of millions of children and adolescents are violated.**"

This is the perspective that we must not lose whenever industries demerit the evidence and the approval process for labelling in Mexico, and it is certainly the essence that should drive us to continue working for clearer labels and for many other policies that together can build a different food landscape for future generations. From civil society, we will continue to be the fervent watchdogs of the process, denouncing at every step the interference of interests that work against the health of our population.

About the Author

Ana Larrañaga studied Nutrition and has specialised in topics such as Environment and Sustainability, Breastfeeding, and Social Determinants of Health. She has worked with civil society organisations promoting policies for the prevention and control of obesity and noncommunicable diseases since 2013. She lives in Mexico City, from where she has driven reforms in the General Health Law to modify food and beverage labels and was part of the working groups to draft the Official Standard for labelling.

She currently directs the organisation Salud Crítica ([@saludcriticamx](#)) [11] and coordinates the ContraPESO Coalition ([@Contrapesomx](#) [12]). She is also the representative of the Alimentación Saludable (Healthy Eating) branch of the Mexico Salud-Hable Coalition.

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[5] <http://mexicosaludable.org/2020/02/25/apoyo-al-nuevo-etiquetado-de-advertencia-coalicion-latinoamerica-saludable-clas/>

[6] <https://twitter.com/CONCAMIN/status/1234175835558567936>

[7] <http://comsocnoticias.diputados.gob.mx/comunicacion/index.php/notilegis/pide-camara-de-diputados-a-poder-judicial-privilegiar-derechos-humanos-en-resolucion-sobre-nom-051>

[8] <http://www.concamin.org.mx/prensa/sala/concamin/noticias/5e665802013d2700195666bd>

[9] <https://www.wcrf.org/int/policy/our-publications/lessons-implementing-front-of-pack-label>

[10] <https://ncdalliance.org/news-events/news/spread-the-word-on-4-march-the-roots-of-obesity-run-deep>

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[11] <https://twitter.com/SaludCriticaMX>

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[14] <https://ncdalliance.org/news-events/news/new-food-labelling-law-approved-by-mexican-government-opposed-by-industry>

[15] <https://ncdalliance.org/taxonomy/term/83>

[16] <https://ncdalliance.org/taxonomy/term/63>

[17] <https://ncdalliance.org/category/tags/obesity>