



# THE LAW, NUTRITION AND OBESITY

RUDD CENTER CONFERENCE  
BELLAGIO, ITALY

*JUNE 2007*

## RUDD REPORT

RUDD CENTER FOR FOOD POLICY & OBESITY  
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# INTRODUCTION

## **BACKGROUND**

The law has played an integral part in many important public health victories. Smoking bans in public buildings, lead removal from paint and gasoline, auto safety regulations, and vaccination requirements for school children are all the result of legal efforts and legislation. Today, obesity is considered by many experts to be a next frontier of public health law.

The Rudd Center organized an international conference in Bellagio, Italy, on June 18-20, 2007 to examine how the law applies to obesity prevention around the globe. The Bellagio Conference, sponsored by the Rockefeller Foundation and the Rudd Center, brought together world leaders in public health, nutrition and law from the United Kingdom, Peru, Finland, Thailand, Brazil, South Africa and the United States.

The attendees focused on a range of new legal directions that could be pursued for obesity prevention. The topics included regulating food marketing to children, regulating food ingredients and additives, regulating conduct, compelling disclosure and labeling of nutrition information for foods and beverages, and the need for global change. The attendees also discussed the role litigation may play in addressing nutrition and obesity issues.

## **PURPOSE**

The purpose of the conference was to assemble public health and legal experts from around the world to generate exciting and novel legal approaches to solving the global obesity epidemic.



## ATTENDEES

### Chair

Kelly D. Brownell, PhD  
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### Executive Planning Team

Robert C. Post, JD, PhD  
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### Participants

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## ATTENDEES

### Participants (continued)

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## ATTENDEES

### Participants (continued)

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Stacy S. Ruwe, MBA  
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Director, Global Health Policy  
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Former Director, Global Health at the Rockefeller Foundation,  
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## AGENDA

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The agenda for this three-day conference was oriented around several key priorities:

- To frame the scientific and legal background.
- To encourage public health experts and legal experts to identify the main priorities on nutrition, health and the obesity epidemic in both developed and developing countries.
- To identify global concerns and creative solutions to nutrition issues.
- To address legal issues pertaining to weight bias and stigma.
- To have participants discuss existing or possible innovative strategies in their respective countries.
- To have the conference culminate with a full discussion of viable legal and policy options for preventing and reducing obesity worldwide.



The Bellagio Conference on the Law, Nutrition and Obesity determined that measures seeking to counter obesity should focus on prevention because it is more feasible to avert than treat the condition. Legal and policy approaches should encourage environmental changes that promote healthy behavior, better nutrition, and more physical activity.

In the process, it will be important to build relationships among government agencies, non-governmental organizations, food distributors, industry members, and consumer protection groups/agencies. This must be done in ways where public health priorities are the foremost concern.

Below are some specific avenues identified by conference participants as worthy of exploration:

### **Adopt special measures to protect children.**

- Consider the optimal way to frame children's nutrition, physical activity and health as a priority (e.g., human rights, consumer protection, parental empowerment).
- Introduce advertising restrictions and bans.
- Upgrade nutritional standards associated with foods marketed to children.

### **Recognize that economics matter.**

- Adjust costs of healthy foods to be cheaper (through subsidies or other policy measures).
- Tax unhealthy foods/ingredients, large portion sizes of unhealthy foods, or marketing to generate revenue for nutrition programs.



### **Improve the nutritional quality of foods.**

- Update and expand the definition of “foods of minimal nutritional value” for U.S. schools; work to institute this concept elsewhere in the world.
- Consider ceilings for certain ingredients added to food, such as salt and sugar.
- Upgrade content of processed foods.
- Institute portion controls and reduce overall portion sizes

### **Explore legal options to address access to healthy and unhealthy food.**

- Consider policies on foods in government institutions such as schools, hospitals, prisons, and the military.
- Develop legal principles to determine whether public facilities, new housing areas, and other social units can be required to provide access to healthy food and to recreation sites and parks.

### **Assess global advertising limitations and enforcement strategies.**

- Evaluate such restrictions as charging fees-per-ad, fining industry for non-compliance of restrictions, and mandating equal media time for nutritious and non-nutritious food advertisements.
- Recognize that limitations to restricting advertising in the United States due to the First Amendment do not exist in all countries.



### **Focus on U.S. laws to create progressive polices.**

- Address the 2012 Farm Bill due to its far-reaching implications for food policy at home and abroad. Public health groups should focus on its contribution to obesity.

### **Identify possible litigation strategies.**

- Consider applications of existing law (e.g., Data Quality Act) and enhancement of consumer protection laws.
- Evaluate legal strategies from novel areas such as liability under Dram Shop Laws (liability of sellers of alcoholic beverages to visibly intoxicated consumers who subsequently injure or kill another person due to their intoxication), or the T.J. Hooper case (standard of care is sometimes what the industry *should* do, instead of what the industry most commonly does).

### **Explore whether governments can be legally responsible for public health.**



The possibility of future meetings was discussed. It will be important to include government officials from the participating countries and attorneys from outside the United States. Participants considered the creation of a members-only website (like Global Link for tobacco) to bring interested groups together for advice and support.

All participants can “deputize” others to work on legal issues pertaining to nutrition and obesity. Encouraging others to speak at regional conferences for public health, policy and/or legal issues (e.g., at meetings of the Conference of Mayors in the United States) will help generate additional interest.

Future projects include:

- Complete an analysis of which U.S. agencies have jurisdiction over (1) the food supply and (2) marketing on all media (e.g., cable, Internet).
- Analyze key U.S. legislation and policies to identify promising new approaches through mechanisms such as the Farm Bill.
- Develop an edited book on obesity, law, politics, and economics.
- Write opinion pieces for general news media and draft articles for public health journals.
- Encourage law students to become involved in the area and draft articles for publication in law journals.
- Develop articles for public health and legislative audiences on how the law is interpreted and can be applied for important issues such as menu labeling and trans fat bans.
- Connect scholars and practitioners across the world to emphasize global issues.



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