Summary of a Workshop on Food Labelling and Democratic Engagement in the Food System

Melbourne Law School, 28-29 September 2017

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Overview

This document provides an overview of a workshop on food labelling and democratic engagement in the food system held at Melbourne Law School (University of Melbourne) on 28-29 September 2017. The workshop was jointly hosted by Professor Christine Parker of the Centre for Resources, Energy and Environment Law (CREEL) at Melbourne Law School and Dr Gyorgy Scrinis of the Food Policy Research Group in the Faculty of Veterinary and Agricultural Sciences. The workshop was attended by around 35 academics and food policy advocates.

The workshop was part of an ARC-funded research project led by Professor Parker with Dr Scrinis on Regulating food labels: The case of free range food products in Australia (DP 150102168). The objectives of the workshop were to:

- Explore the links between the findings of this research project on free range labelling and the work of academics researching other types of food labelling in Australia
- Draw out some common themes and lessons learned from this body of Australian research on food labelling
- Consider how food labels shape the food system and are shaped by the food system

Further information about the project Regulating food labels: The case of free range food products in Australia is available from:


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Over-arching workshop themes

The workshop papers and discussion generated some clear themes in response to the framing question How does food labelling shape the food system and how is it shaped by the food system? Workshop participants also contributed their insights and reflections on emerging themes during the workshop, and they have been used in compiling this summary.
Incremental versus transformative change
A recurring theme was discussion about whether food labelling leads to incremental change only and whether it has the potential to drive transformative change. A number of papers emphasised that food labels had led to relatively minor improvements in health, animal welfare or sustainability. Some participants highlighted the lack of transformative change and questioned whether food labelling as a regulatory mechanism has the potential to drive food system transformation.

One participant observed that food labelling reinforces the idea that the individual should be responsible for driving food system change through consumer choices and deflects attention from the need for structural changes. Another reflected that the primary function of food labels seems to be creating demand for particular products, rather than changing the food system. However, others noted that food labelling is a complex and potentially powerful regulatory mechanism that has additional functions other than influencing changes in consumer behaviour, and also that small changes that result from food labelling can have significant impacts on the food system.

Competing interests
A number of papers highlighted the competing interests of different groups of stakeholders that aim to influence food labelling schemes e.g. producers, retailers and consumers. One participant noted that contestation between stakeholders is necessary to ensure democratic participation, while others emphasised the influence that the food industry exerts over food labelling schemes. Participants noted that the food industry was typically better prepared and better able to influence food labelling outcomes than civil society, and that food labelling is often used as a device to narrow the public health agenda and delay the introduction of more progressive policy.

Food labelling outcomes reflect existing power structures
Several papers at the workshop demonstrated that food labelling outcomes reflect existing power structures in the food system. Participants observed that the food system stakeholders with the most power have the most influence over food labelling outcomes, and also that food labels often reinforce rather than challenge existing inequalities e.g. the North-South power imbalance and gender inequalities. However, some participants noted that food labels may also challenge existing power structures.

The challenge of capturing the complexity of the food system in a label
Many of the papers at the workshop emphasised the complexity of the food system issues behind labels – related to health, environmental sustainability, equity, animal welfare, gender and labour conditions – and highlighted that food labels have a tendency to over-simplify the issues. There is a constant tension between the complexity of the issues and the push for simple market messages. Some participants raised the question of whether food labelling is too simplistic to capture the complexity of the food system. Others asked which issues labels should aim to communicate if they can’t communicate everything.

What is concealed and revealed?
Participants highlighted various ways that food labels make visible a relatively narrow sub-set of the relevant food system issues behind the label. Food labels reveal some issues, while concealing others, and there is a tension between competing issues in terms of what appears on the label. Participants observed that some issues tend to be concealed more than others on food labels e.g. gender and labour conditions, and that there is a need for more ‘holistic’ food labelling that can better address the links between a range of intersecting food system issues.
Who are food labels for?
Workshop participants raised a number of questions about who food labels are for and who makes decisions about what appears on the label. They highlighted the importance of literacy in relation to food labels and how labels are understood by the people they are aimed at. They also asked who is involved in deciding what appears on the label and who is expected to bring about changes in the food system through food labelling.

Workshop presentations
Below is a summary of workshop presentations. Presentations were arranged in themed sessions with discussion at the end of each session. The key points of discussion in each session have also been summarised.

Introduction
The politics of food labelling
Dr Gyorgy Scrinis and Prof Christine Parker (University of Melbourne)
Dr Gyorgy Scrinis set the scene with a paper charting the terrain of the politics of food labelling. He explored the use of the label as a device for achieving a variety of aims, the actors involved and the governance of food labelling. He emphasised that food labels both reflect and shape underlying food system dynamics, and he invited workshop participants to explore the multiple dimensions of food labels, including what is ‘concealed’ and ‘revealed’ by the label.

Animal welfare labelling and political consumerism
Labelling as a regulatory governance pathway – Can animal welfare labelling lead to better animal welfare policy?
Prof Christine Parker, Dr Rachel Carey and Dr Gyorgy Scrinis (University of Melbourne)
Professor Christine Parker explored whether higher welfare food labels are improving animal welfare in Australia through case studies of eggs, meat chickens and pigs. She examined how retailers and NGOs are forming alliances to delegitimise industry ‘free range’ labelling based on large-scale production systems, and to mobilise political consumption. She argued that animal welfare labelling has to date resulted in only incremental improvements in animal welfare and that further improvements will require a more holistic approach that strengthens government animal welfare regulation, as well as Australian Consumer Law, and that will require the creation of new regulatory actors, such as an independent Animal Welfare Commission.

The extent of public requirements for meat chicken products to be labelled with information about animal welfare, and their relations to the public’s knowledge about meat chicken production systems
Prof Clive Phillips (University of Queensland)
Professor Clive Phillips presented the results of a study about public perceptions of meat chicken welfare and labelling. Meat chickens have been bred for rapid growth, with a range of adverse welfare outcomes, but the general public has a very poor understanding of the meat chicken production system and its impacts on bird welfare. There was strong public support for welfare labelling on meat chicken products. However, Professor Phillips emphasised that farm animal welfare is dependent on a complex biological system, and labelling reduces this complex system to overly simple markers such as ‘stocking density’.
Discussion

Issues highlighted during the discussion included:

- The use of animal welfare labelling by retailers as an opportunity to create a ‘halo’ around own brand products
- The use of animal welfare labels as a marketing device – the same retailer or egg producer might have eggs to a range of welfare standards e.g. caged, free range etc.
- The narrow focus of labelling on animal welfare (and only certain dimensions of welfare), excluding other related aspects of sustainable production, such as labour conditions, environment and health issues

Seafood labelling

Labeling the ocean: The messy entanglement of Marine Stewardship Council certification
Prof Elspeth Probyn (University of Sydney)

Professor Elspeth Probyn discussed Marine Stewardship Council (MSC) certification of seafood. She highlighted the low level of transparency in the scheme and the neglect of broader social issues, such as labour trafficking. She also emphasised that market pressures have led the MSC to certify fisheries under questionable circumstances. Antarctic toothfish and orange roughy fisheries were both certified despite significant criticism about the inherent unsustainability of the fisheries. Professor Probyn emphasised that the ocean is being ‘simplified’ and the issues dumbed down through MSC certification and labelling.

What's in a tin of tuna? The ecological and cultural function of sustainable seafood labelling
Dr Kate Johnston (University of Sydney)

Dr Kate Johnston discussed sustainable seafood labelling on tinned tuna, highlighting what is revealed and what is concealed on the label. The labels make visible certain species of tuna, places and issues (e.g. the Skipjack tuna, pole and line fishing and the Maldives) and they hide other aspects of sustainability (e.g. issues related to the conditions of labourers, energy use, tin mines etc.). There has also been a shift over time in the aspects of sustainability that are revealed on labels.

Discussion

Issues highlighted during the discussion included:

- The complexity of the inter-connecting health, sustainability and social justice issues in managing sustainable seafood supply chains, and the over-simplification of these issues on sustainable seafood labelling
- Supply chain issues around labour and gender are concealed by sustainable seafood labels
- The burden placed on local fisheries to pay for the costs of certification
Health claims

The performance and possibility of Australia’s Health Star Rating System: A three year review using the RE-AIM framework
Alexandra Jones (University of Sydney) Dr Anne-Marie Thow (University of Sydney), Prof Bruce Neal (UNSW)

Alexandra Jones reported on an evaluation of Australia’s front of pack Health Star Rating (HSR) System, arguing that while public awareness of the labelling system is relatively low, there is evidence that the scheme is generally seen by Australian consumers as being easy to understand and that many consumers report that it has influenced their purchasing decisions. She also argued that the algorithm is generally working, although some aspects should be reviewed, and that the HSR should be made mandatory.

Rating the Health Star Rating Scheme’s Public Health Benefit
Prof Mark Lawrence (Deakin University)

Professor Mark Lawrence discussed the public health benefits of the HSR, arguing that the scheme is too focused on individual nutrients and misrepresents nutrition science principles, which are based on advice about consuming whole foods. He emphasised that the HSR is overly simplistic in awarding stars to nutrients and that it risks promoting the consumption of junk foods and undermining the Australian Dietary Guidelines. He concluded that the public health risks of the HSR currently outweigh the benefits.

Monitoring regulation of health claims on food labels in Australia
Lyndal Wellard-Cole (NSW Cancer Council)

Lyndal Wellard-Cole discussed the NSW Cancer Council’s monitoring of the regulation of health claims. Food companies must notify FSANZ of food-health relationships on which health claims are made, but FSANZ does not assess the claims unless a complaint is made. The NSW Cancer Council assessed 65 food-health relationships notified to FSANZ and found that 57% had substantial evidence. Others were referred by the Cancer Council to state enforcement agencies. Lyndal concluded that current regulation may allow the food industry to use unsubstantiated health claims on labels, and that the regulation should be strengthened to prevent this.

Discussion
Issues highlighted during the discussion included:

- There is a tension between aiming to achieve incremental change through food labelling and objectives for transformative change
- The effectiveness of mandatory food labelling schemes can be undermined by poor monitoring and enforcement
- Food labels are just one public health tool and other policy tools are also required, including a national nutrition policy
Sustainable food systems 1
Can consumer-oriented product certification schemes promote transformative social and political change? Case studies from the tea and palm oil sectors
Dr Kate Macdonald (University of Melbourne)

Dr Kate MacDonald discussed whether food labels can be drivers of transformative change, drawing on case studies from the palm oil, tea and coffee sectors. She argued that consumer-oriented labelling schemes reflect the power relations of their social and market settings, and that voluntary labelling schemes have the greatest impact in driving transformative change when they reinforce broader pressures for change and enhance the capacities of NGOs, communities and other actors to drive fair and sustainable production systems.

Multi-stakeholder initiatives and the politics of framing in standards development: the case of sustainable palm oil
Assoc Prof Vaughan Higgins (Charles Sturt University) and Dr Carol Richards (QUT)

Associate Professor Vaughan Higgins and Dr Carol Richards discussed the politics of sustainability standards within the Roundtable on Sustainable Palm Oil (RSPO). They drew on Callon’s concept of a socio-technical agencement to argue that private sustainability standards developed by multi-stakeholder initiatives such as the RSPO generate ‘overflows’ or exclusions that are taken up by other actors. In the case of the RSPO, the Malaysian and Indonesian governments generated alternative, more flexible schemes (arguably with weaker standards) that engage a wider range of producers. These weaker, more flexible standards can be seen as a complement to the stronger RSPO standards.

Discussion
Issues highlighted during the discussion included:

- There is a tension between raising the levels of food labelling standards and excluding stakeholders who find themselves unable to meet those standards
- The possibilities for recognising different levels of sustainability on food labelling schemes so that the work of leaders is acknowledged, while also bringing along (and not excluding) the players achieving lower levels of sustainability
- The exclusion of gender issues on labelling schemes, even when the schemes (e.g. Fair Trade) attempt to some extent to address gender issues

Sustainable food systems 2
Actors, ideas and actions: governance for healthy and sustainable food systems
Prof Sharon Friel (ANU), Dr Sarah James (ANU), Prof Mark Lawrence (Deakin University), Dr Annet Hoek, Assoc Prof David Pearson (University of Canberra)

Professor Sharon Friel discussed the role of food labelling in promoting healthy and sustainable diets. She presented the results of stakeholder interviews, which suggested that policy actors see food labels as one of the most effective instruments for achieving policy and regulatory change. For consumers, however, price, taste and convenience are the most important drivers of purchases, followed by health and sustainability considerations. The food label is a regulatory instrument that operates in a wider policy context and should be used alongside other regulatory instruments.
Trumping food labels: agriculture, intellectual property, and trade
Prof Matthew Rimmer (QUT)

Professor Matthew Rimmer discussed the deconstruction of food labelling under the Trump administration. He explored the attempts of the new administration to undermine the introduction of food labelling for GM foods, and to delay or remove nutrition labelling agreed under President Obama that would require disclosure of calories, sugar, fibre and serving sizes. He highlighted some of the strategies used to deconstruct food labels under the Trump administration, including through trade law, IP law and administrative law.

Discussion
Issues highlighted during the discussion included:

- While policy actors place significant emphasis on the importance of food labels as an instrument to drive healthier and more sustainable food consumption, consumers place more emphasis on price reductions as a way of driving change – they want healthy, sustainable food to be more affordable
- The food industry uses the threat of trade barriers as an advocacy strategy to prevent voluntary labelling schemes becoming mandatory
- Food labels are just one of a suite of policy tools that should be used to drive healthier and more sustainable food consumption

Authenticity and provenance of food

A criminological approach to preventing food fraud in the sale of premium value meats in Australia
Janine Curll (Monash University)

Janine Curll discussed food fraud in the sale and advertising of premium value meats in Australia. She analysed known cases of food fraud crimes in Australia using the ‘Situational Crime Prevention’ approach, and highlighted that it is relatively easy to commit food fraud crimes within the context of current regulatory controls, that routine processes are not monitored for fraud and that detection of these crimes is low. Food fraud crimes are not typically identified by routine auditing, but by whistle blowers, animal welfare campaigners and the efforts of a few particularly diligent auditors.

The politics and policy agenda of country of origin food labelling in Australia
Ellie Blackwood (University of Melbourne)

Ellie Blackwood presented an analysis of the development of the new country of origin food labelling in Australia. She explored the development of Australia’s country of origin labelling policy over a 30-year period, arguing that the objectives of the policy development were variously framed during this time as promoting primary industries, consumer transparency and health and safety. The ‘window’ that led to the 2016 policy reform was an outbreak of hepatitis A, and the stated policy agenda was promoting consumer transparency, but the primary policy outcome was promotion of Australia’s primary industries.

Discussion
Issues highlighted during the discussion included:

- There is a lack of monitoring and enforcement of mandatory labelling laws, such as country of origin labelling, and also of the laws preventing food fraud
• Food labelling is interpreted in different ways in different regions – in the global North country of origin labelling generally promotes provenance, in the global South it promotes food safety

Superfoods

Superfoods, commodity racism, and indigenous intellectual property
Dr Jessica Loyer (University of Adelaide)

Dr Jessica Loyer discussed the labelling of the ‘superfood’ products, Andean root maca and Mesoamerican chia seed. She analysed the packaging of these products using a postcolonial critique of the primitive ideal. The products are depicted by their packaging as extremely healthy (as verified by nutritional science), primitive, traditional and authentic. This representation highlights the ‘exoticness’ of these products, but conceals the contemporary circumstances of their production, and the social, economic and environmental consequences of increased demand for the products. Food labels have limitations as a place for genuine engagement with the histories and production practices of ‘superfoods’.

Unleashing the power of the Amazon? Regulating interacting anti-ageing, eco and fair trade claims in superfood marketing: the case of acai berries
Prof Christine Parker (University of Melbourne), Dr Hope Johnson (QUT) and Janine Curll (Monash University)

Professor Christine Parker and Dr Hope Johnson discussed the labelling of products made from Acai berries. They analysed the claims made on the food labels of Acai products, and found five main types of claims – that Acai berries are especially nutritious, part of traditional diets, produced under fair conditions, contribute to conservation of the Amazon, and are organic. They argued that these claims are inherently misleading and exploitative, and that the regulation of these claims is inadequate. They also emphasised that marketing claims on food labels in neoliberal markets are a key vector of commodification.

Discussion
Issues highlighted during the discussion included:

• There are specific types of health claims associated with ‘superfoods’ and they need to be regulated
• Labelling claims may create an overall ‘aura’ about a food, so that consumers do not necessarily need to buy into specific labelling claims

Workshop presenters

Professor Christine Parker, Melbourne Law School
Christine Parker is a Professor of Law at the University of Melbourne. Her research focuses on “free range” labelling and other higher animal welfare labelling for hens, meat chickens and pigs, and she investigates the possibilities for transformed relationships with animals and ecosystems in our food system.

Dr Gyorgy Scrinis, University of Melbourne
Dr Gyorgy Scrinis is a Senior Lecturer in Food Politics and Policy in the Faculty of Veterinary and Agricultural Sciences, where he leads the Food Policy Research Group. His research has examined the
politics, sociology and philosophy of food and nutrition, with a focus on nutrition science, dietary advice, functional foods, food labelling, animal welfare regulations, genetically modified foods and the role of transnational corporations in the food system.

Dr Rachel Carey, University of Melbourne
Dr Rachel Carey is a Research Fellow in the School of Agriculture and Food at the University of Melbourne, specializing in food policy and sustainable food systems. Her research interests include animal welfare labelling and local and regional food systems. Rachel leads the Foodprint Melbourne project, which investigates the significance of food production on Melbourne’s fringe.

Ellie Blackwood, University of Melbourne
Ellie Blackwood is an early career researcher at the University of Melbourne. Her research interests include food policy, sustainable food systems, and the role of the ethical food label in shifting consumer behaviour. Her Master’s thesis examined politics and policy of Country of Origin food labelling in Australia, and she now teaches in political and health geography.

Janine Curll, Monash University
Janine Curll is a PhD candidate at Monash University, undertaking regulatory studies of the national food control system and its capacity to prevent food fraud and related harms. Janine’s work is based on nearly 20 years’ experience in legal and scientific research, investigation, compliance and regulatory systems.

Professor Sharon Friel, ANU
Sharon Friel is Director of the School of Regulation and Global Governance (RegNet) and Professor of Health Equity at ANU. Her research interests focus on the role of structural factors in affecting health inequities, including trade and investment, urbanisation, food systems, and climate change; and the effectiveness of governance, policy and regulatory processes at addressing health inequities.

Dr Hope Johnson, QUT
Dr Hope Johnson is an early-career researcher who researches food and agricultural law, regulation and governance. She specialises in the intersection of environmental, human rights and international economic law and the influence of market-based forms of regulation on food systems. Hope’s recent research has focused on how regulation influences food consumption patterns.

Dr Kate Johnston, University of Sydney
Kate Johnston is a Research Associate at the Sustainable Fish Lab. Kate’s research focuses on the relationship between sustainability discourses and the culture of fishing communities, and her PhD research explored a case study of canned tuna and la tonnara - a tuna trap fishery used for centuries in Southern Italy.

Alexandra Jones, University of Sydney
Alexandra Jones is a public health lawyer and PhD candidate, who is interested in using law to create conditions for people to live healthier lives. Ali has previously worked on global tobacco control, and in health and human rights. Her PhD explores the global regulation of nutrition labelling.

Professor Mark Lawrence, Deakin University
Mark Lawrence is a Professor of Public Health Nutrition at Deakin University. He has 33 years’ experience working as a practitioner and academic in food policy at local, state, national and international levels. His research interests focus on analysing the science and politics of evidence use in public health guideline development and nutrition policy-making.
Dr Jessica Loyer, University of Adelaide
Jessica Loyer is a researcher in the Food Values Research Group at the University of Adelaide, where she teaches in History and Media. Her research focuses on the contested construction of food/health meanings across different cultures and their associated epistemologies. Jessica holds a PhD in History/Food Studies and an MA in Gastronomy.

Dr Kate MacDonald, University of Melbourne
Kate Macdonald is a Senior Lecturer at the University of Melbourne. Her research focuses on the politics of transnational production, exploring how standards for products like tea and palm oil are influenced by transnational organisations, including multi-stakeholder schemes such as the Roundtable on Sustainable Palm Oil, Fairtrade and the Rainforest Alliance.

Professor Clive Phillips, University of Queensland
Clive Phillips is Professor of Animal Welfare at the University of Queensland. Clive’s research interests centre on a range of areas related to the welfare of animals, mainly livestock, and with a particular interest in the live export of cattle and sheep from Australia. Clive chairs the Queensland Government’s Animal Welfare Advisory Board.

Professor Elspeth Probyn, University of Sydney
Elspeth Probyn is Professor of Gender & Cultural Studies at the University of Sydney. Her current research, Sustainable Fish: a material analysis of cultures of consumption & production (funded by an Australian Research Council Discovery Project) analyses the sustainability of the production and consumption of fish, or ‘more-than-human” sustainable fish communities.

Dr Carol Richards, QUT
Dr Carol Richards is a Senior Lecturer at QUT Business School. She is a food and agricultural sociologist specialising in sustainable food systems, food insecurity, agricultural land acquisition, food governance and new social movements. Carol’s research relates to social change enacted through new social movements, including the food sovereignty movement and climate justice campaigns.

Professor Matthew Rimmer, QUT
Matthew Rimmer is a Professor of Intellectual Property and Innovation at the Faculty of Law, QUT. Matthew is a researcher and commentator on the topic of intellectual property, public health, and tobacco control. He has undertaken research on trade mark law and the plain packaging of tobacco products, and intellectual property related to biotechnology.

Lyndal Wellard, NSW Cancer Council
Lyndal Wellard is a Senior Nutrition Project Officer at Cancer Council NSW and PhD Candidate at the University of Sydney. Her work includes public health research in food policy, public health nutrition advocacy and prevention of cancer through healthy lifestyles. Lyndal is an experienced dietician with a Masters of Health Promotion.