



GLOBAL ACCESS TO NUTRITION INDEX: **EU Policy Implications**

EU POLICY FOR HEALTHIER FOOD ENVIRONMENTS

WHY IT MATTERS

Within Europe, unhealthy diets are one the leading causes of non-communicable diseases, which cause 90% of deaths in the region; 62% of these deaths are attributable to dietary risk factors.^{1,2} The financial consequences of poor diets in the European Union (EU) are staggering, EU is estimated to have lost EUR 210 billion in 2015 due to costs linked to the treatment of cardiovascular disease, as well as associated productivity losses.³ Childhood obesity continues to increase rapidly in the EU region, where the number of boys and girls between the ages of 5 and 19 who are obese is projected to increase by almost 60% between 2020 and 2035.⁴

The food environment, which includes everything from where food is purchased, to what is available, to how much it costs, to the marketing one is exposed to, shapes food choices, diets and, ultimately, health outcomes. Improved policies are needed to create a food environment which enables all Europeans to access healthier, affordable diets enabling them to live active and healthy lives.

This brief dives into critical policy areas, which have been shown to have the greatest impact on improving the food environment, and ultimately health outcomes in the EU, using data from ATNi's (Access to Nutrition initiative) Global Access to Nutrition Index 2024 (hereafter: Global Index). ATNi is a global foundation actively challenging the food industry, investors and policymakers to shape healthier food systems.

ATNi's mission is to see markets transformed to deliver healthier, more affordable diets. A major bi-annual output of ATNi is assessing the actions of the largest food and beverage (F&B) companies to understand how companies are supporting access to healthier food choices. ATNi uses this evidence to spotlight where companies are falling short and, working collaboratively with investors, policy makers and civil society, create solutions.

GLOBAL ACCESS TO NUTRITION INDEX 2024 & POLICY PRIORITIES

The Global Index 2024 ranks the 30 largest F&B companies, which produce 24% of processed and packaged food globally.

- **Using a detailed methodology, consisting of 51 indicators, the index assesses companies' products, practices and commitments towards producing healthier and more affordable foods, ultimately aiming to improve access to healthier diets for all. A full description of the methodology can be found [here](#).**
- **The policy priorities are drawn from 'The Healthy Food Environment Policy Index (Food-EPI): European Union' and 'Nutrition Policy Index: Nutrition Policy Status in 30 European Countries.'**⁵

This brief discusses the latest evidence on key policy levers, and discusses the current state-of-play regarding food company actions, highlighting where additional policies are needed.

LABELLING

The Issue

Providing transparent, comprehensive, and easily understandable information about the nutritional composition and relative healthiness of companies' products, through government-endorsed labelling, can help guide consumers' choices towards products that contribute to healthier diets, help ensure fairer practices, and incentivize companies to reformulate their products. Specifically, front of package labelling, which makes it easier for consumers to make healthier choices, quickly assessing products in the food retail environment, is recognized by the World Health

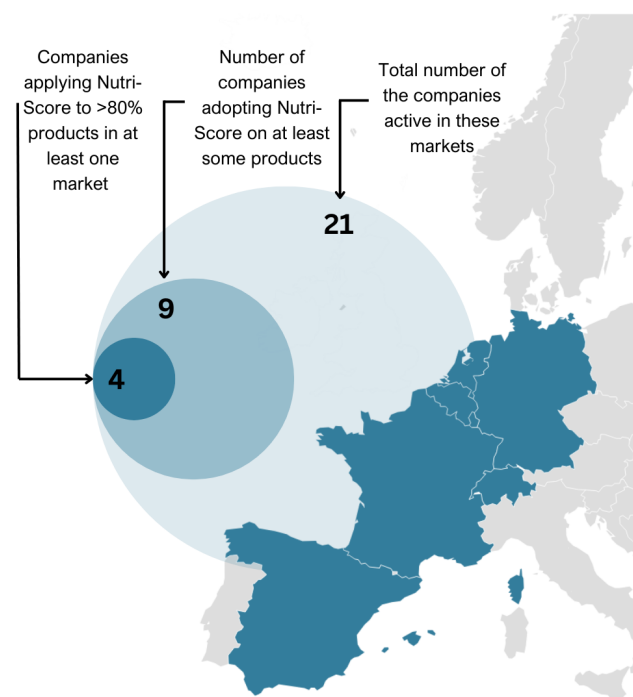
Organization (WHO) as an effective tool to support consumers make healthier food choices.⁶ This is of course, not a new idea. Proposals for a mandatory front of package nutrition label (FOPNL) within the EU were first laid out in 2008.⁷ However, co-legislatures decide to remove the mandate and allow countries and F&B companies to develop their own labelling schemes.⁷ This, however, creates a number of challenges in terms of the functioning of the single market, as well as in supporting consumer choice, as consumers are likely to be confused when multiple schemes are being used.

Having a harmonized FOPNL within the EU would reduce market fragmentation and make it easier to create incentives for healthy and sustainable foods across the EU.⁸ A commission report on FOPNL was published accompanying the Farm to Fork strategy in May 2020.⁹ While a public consultation on the issue carried out in early 2022 found high levels of public support for FOPNL, a proposal for introducing the labelling was not tabled in 2024, and it remains unclear when this will happen.⁹



Global Index 2024 Findings on the use of FOPNL in the EU

ATNi's Global Index 2024 did not find evidence that companies operating in European countries who have FOPNLs (Nutri-Score), are regularly applying these labels across all their products in all markets.



Of the 30 companies assessed in ATNi's Global Index 2024, 21 are active in the seven countries where the FOPNL Nutri-Score has been endorsed: Belgium, France, Germany, Luxembourg, Netherlands, Spain and Switzerland. However, ATNi only found evidence of 3 companies applying Nutri-Score in all 7 markets, and 1 additional company applying Nutri-Score to at least 80% of products in at least three or more markets. Less than half of the companies (9) were found to be applying Nutri-Score to at least some of their products.

ATNi's Global Index 2024 findings suggest that companies will choose to selectively apply FOPNL unless mandatory policies are implemented. Having companies label products in some but not other markets, or having some products which display Nutri-Score, while others do not within the same market, can also lead to consumer confusion and distrust in such labels. Evidence from other contexts where FOPNL are voluntary shows that companies often selectively label products, omitting labels for those that are less healthy.¹⁰

Policy Recommendation

Front of package labelling using an interpretive front of package labelling scheme, should be mandated across the EU block. ATNi's Global Index does not find

evidence that current voluntary regulations are working. ATNi recognizes that there is still ongoing discussions around Nutri-Score and recognizes the need called for a better alignment between Nutri-Score and National Food Based Dietary Guidelines.

LIMITS ON MARKETING (UNHEALTHY) PRODUCTS TO CHILDREN

The Issue

Marketing of F&B products profoundly impacts dietary choices and public health outcomes, especially among children. Levels of overweight and obesity are rapidly increasing in the EU.³ Evidence shows that children are extensively targeted by food marketing through a wide variety of channels and techniques, increasing their energy intake, and preference for energy dense, low nutrient foods, especially from advertised products.¹² Children of lower socio-economic status are exposed to more advertising of unhealthy foods.^{12,13}

The WHO has developed a set of recommendations to guide policy development to protect children from the harmful effects of marketing of unhealthy foods.¹⁴

The EU Pledge

Currently the EU does not have mandatory policies to limit the marketing of unhealthy products to children, instead, the EU relies on voluntary self-regulation by industry. The EU pledge was introduced in 2007 by 11 large F&B companies. Signatories of the pledge agree to restrict child targeted F&B advertising, both in terms of child targeted television and online marketing, as well as in schools.¹² The pledge has been updated multiple times, most recently in 2021 to increase the age of a child (from 12 to 13), to reduce the percentage age threshold for defining child directed media (from 35% to 30%) and to enhance the nutrition criteria for products that can be marketed.¹³

While signatories of the EU pledge are largely complying with the pledge requirements, the EU pledge does not go far enough to protect children from the harmful effects of marketing.¹²

WEAKNESSES OF THE PLEDGE INCLUDE:

- The pledge is an industry-led initiative, lacking external oversight or accountability mechanisms.

WHO POLICY RECOMMENDATIONS ON MARKETING TO CHILDREN

- **The policy should be mandatory;**
- **Recognizing a child as anyone under the age of 18, as defined by the UN Convention on the Rights of the Child and therefore the WHO;**
- **Using a government endorsed nutrient profiling model to identify foods which should not be marketed;**
- **The policy should be comprehensive, covering all media types and channels and needs to go beyond child directed media to cover all potential exposure children may have to food marketing. It also needs to include all techniques (e.g. promotional characters, branding, emotional appeals, interactive games, celebrity endorsement).¹⁴**

- A focus only on children's programming, when children are most often watching programs not directly targeting them.
- The pledge does not adequately address the challenges of subtle online marketing techniques, and does not include offline marketing such as packaging, (e.g. use of cartoon characters and mascots).
- The pledge only applies to children up to 13, not 18 as recommended by the WHO.
- The nutrition criterion used by the pledge are not as strict as the nutrition criteria developed by the WHO regional office for Europe. For example, nutrition criteria included in the pledge allow for the advertising of breakfast cereals containing twice the amount of added sugars as would be permitted using the WHO regional model.¹⁵

Additionally, the EU pledge contains many loopholes which are exploited by the companies.¹⁵ Key loopholes were identified by BEUC, the EU Consumer Right Group, by using the complaints accountability mechanism for the EU pledge. These include: promoting a brand rather than a specific product (e.g. candy companies can promote the company as long

as they do not promote specific products), having a viewership age cut-off that is unrealistic, and which fails to account for the fact that children actually watch non-child programming in larger absolute number than child directed programming, allowing the use of branded games, apps and influencers.¹⁴

The EU Audiovisual Media Service Directive, updated in 2018 to take account the new advertising and media landscape, continues to promote self-regulation and voluntary mechanisms, missing an opportunity to bring in more mandatory regulation.¹⁶

Global Index 2024 Findings on Marketing to Children

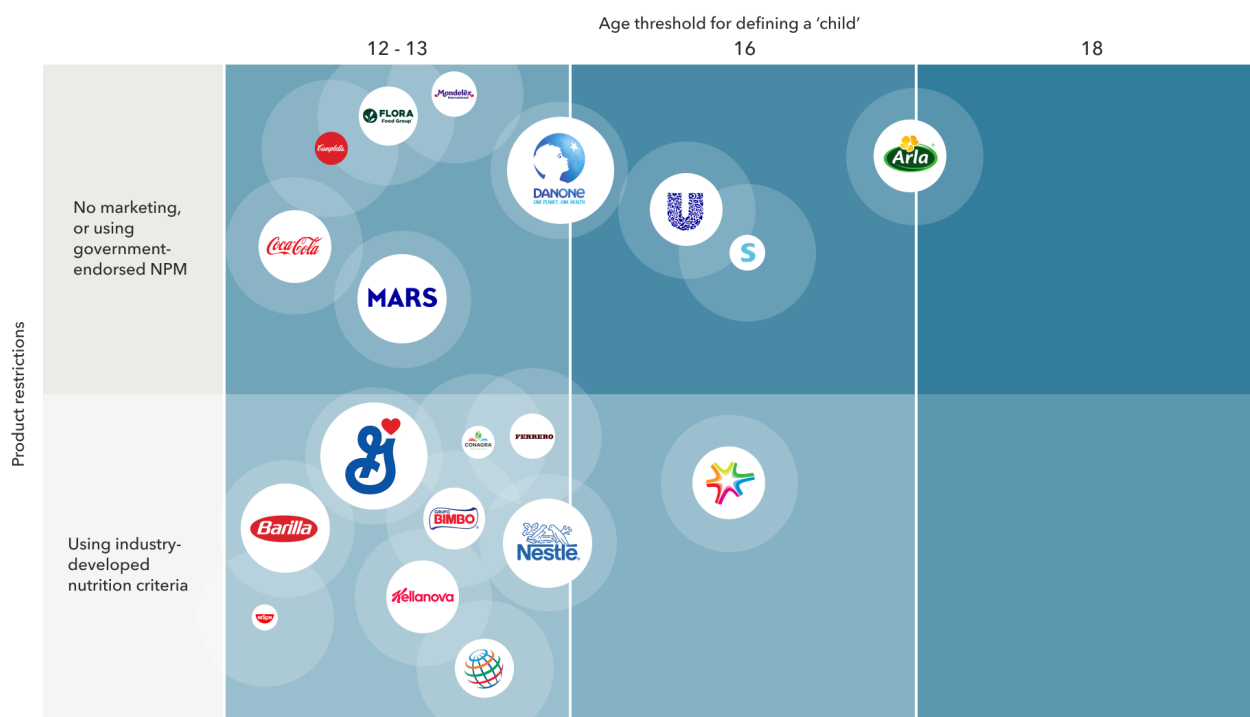
ATNi's 5th Global Index shows that while 25 of the assessed companies have some policy around responsible marketing to children, currently none of the 30 largest F&B companies have policies which fully adhere to the WHO guidelines including age

restrictions and/or healthiness of products using the WHO European model, which was developed specifically to determine what products can be marketed to children. ATNi found that while companies have improved their practices somewhat, companies are still not fully complying with WHO guidelines.

Policy Recommendation

Require Member States to implement mandatory time-based restrictions (6:00-23:00) on television marketing of foods high in saturated fat, trans fat, salt or added sugars, determined using the WHO regional model, to children and adolescents under 18 years. This includes banning all marketing of unhealthy food products using digital media (social, company website, influencers) and all other marketing techniques specifically designed to appeal to children (e.g. the use of cartoon characters or mascots).

COMPANIES' MARKETING POLICIES: AGE THRESHOLDS, PRODUCT RESTRICTIONS, AND COMPREHENSIVENESS



The size of the circle indicates the comprehensiveness of the company's policy in terms of marketing channels and techniques it covers, according to indicator D.4. A fully comprehensive policy is indicated here.

AFFORDABILITY

The Issue

Fiscal policies can be used to increase the costs of less healthy products (e.g. products high in sugar, fat or salt), or to make healthier products more affordable, by reducing taxes or providing other fiscal incentives for purchasing healthier products. Fiscal measures have been shown to be one of the measures which are most likely to decrease inequalities in food access.¹⁶

Taxation, especially of sugar sweetened beverages (SSB tax) where there is the most data, has been shown to be effective in both reducing consumption, and in supporting product reformulation, as well as positive effects on the purchasing of healthier foods through product substitutions (e.g. bottled water in place of soda).¹⁷⁻¹⁹ Additionally, SBB taxes have been shown to have the greatest impact on improving the health of populations with low socio-economic status.²⁰ Despite the strength of the evidence, only 10 EU countries have introduced sugar taxes: Belgium, Finland, France, Hungary, Ireland, Latvia, Monaco, Norway, Portugal and the United Kingdom. In all ten countries, the taxes were implemented as excise taxes or levies, in which industry, rather than consumers, is taxed.²¹ While industry was heavily critical of these taxes, SBB taxes have minimal economic impact on industry.²¹ At the same time, EU membership was cited by many countries as a challenge to implementing such taxes, citing regulations around the application of taxation and state aid.²¹

Fiscal policies can also be a way to make healthier options more affordable. In addition to making less healthy foods more expensive, fiscal policies can also be used to reduce costs of healthier foods, for example reducing the VAT charged on fresh fruits and vegetables.

Global Index 2024 Findings on Affordability

The 2024 Global Index found evidence of only 9 out of 30 assessed companies having a strategy on affordable nutrition. Companies were assessed on the following criteria: having a comprehensive strategy that used a government endorsed nutrient profile model to define nutritious foods, having a strategy which covers a range of products, and which covers a range of markets where the company is active. Four of these companies apply the strategy on affordable

THE ADOPTION OF EU LEVEL SUGAR SWEETENED BEVERAGE TAX MAY IMPROVE HEALTH GLOBALLY

nutrition only in lower income markets and these may not apply for European markets.

Policy Recommendation

The EU should create a tax structure at the regional level to support the design and implementation of taxation of unhealthier foods, for example SBB taxes or consider fiscal policies which can make healthier foods more affordable. A regional regulation would support consistent tax bases and would reduce barriers to cross-border trade. Such a design would need to provide some universal elements but also provide an opportunity for contextualization depending on member states' needs. The adoption of EU level SBB tax, or similar tax on other foods or nutrients of concern, or reduced taxation of healthier foods, may also support improved health globally, as international companies may invest in reformulation strategies across their product portfolios, including those sold in other markets.²²

The policy should be clear about the use of intended revenue from such taxes for the public. Public acceptance of such taxes is likely to be more acceptable if the revenue is used for health programs, and if the health benefits of the taxes are emphasized.¹⁶

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