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# Neoliberal discourse, actor power, and the politics of nutrition policy: A qualitative analysis of informal challenges to nutrition labelling regulations at the World Trade Organization, 2007–2019

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## ABSTRACT

Unhealthy diets are increasing contributors to poor health and mortality in low- and middle-income countries (LMICs). Government interventions targeting the structural drivers of unhealthy diets are needed to prevent these illnesses, including nutrition labelling regulations that create healthier food environments. Yet, implementation remains slow and uneven. One explanation for slow implementation highlights the role of politics, including powerful ideological discourse and its strategic deployment by economically powerful actors. In this article, we advance research on the politics of nutrition policies by analysing political discourse on nutrition labelling regulations within an influential and under-studied global institution: the World Trade Organization (WTO). We identified WTO Technical Barriers to Trade (TBT) Committee meeting minutes with reference to nutrition labelling policies proposed by Thailand, Chile, Indonesia, Peru, Ecuador, Bolivia, and Uruguay (2007–2019;  $n = 47$ ). We analysed the frames, narratives, and normative claims that feature in inter-country discourse within TBT meetings and examined how actors mobilize ideological and material sources of power via these statements. We find that informal government challenges to nutrition labelling proposals within the Committee featured a narrative that individualized the causes of and solutions to poor diet, downplayed harms from industrialised food products, and framed state regulation as harmful and unjust. These non-technical claims mobilised neoliberal ideology and rhetoric to contest the normative legitimacy of members' proposals and to de-socialize and de-politicize poor diets. Furthermore, high-income countries (HICs) re-framed policy goals to focus on individual determinants of poor nutrition whilst calling for their preferred policies to be adopted. Patterns of discourse within TBT meetings also had striking similarities with arguments raised by multi-national food corporations elsewhere. Our findings suggest that non-technical and ideological arguments raised during TBT meetings serve as inconspicuous tools through which nutrition labelling policies in LMICs are undermined by HICs, industry, and the powerful ideology of neoliberalism.

## 1. Introduction

Poor diet and malnutrition are major contributors to the global burden of disease (Lim et al., 2012). In 2017, 10–12 million deaths were attributable to dietary risk factors, including excess salt, sugar, and trans-fat consumption (Afshin et al., 2019). The human suffering caused by these illnesses is especially acute in low- and middle-income countries (LMICs) where high under-nutrition co-exists with rising rates of over-nutrition, obesity, and related non-communicable diseases (NCDs) (Perez-Escamilla et al., 2018). These illnesses are also expensive to treat and, just as poverty can increase the risk of poor nutrition, paying for

treatments pushes millions of households into poverty annually (Jan et al., 2018; Mahal et al. 2010).

Yet, the scale of the challenges to global health and prosperity wrought by diet-related illnesses is not in any sense inevitable, as a suite of measures can be effective in preventing them (WHO 2017). Many require a strong role for government via laws and regulations targeting the structural drivers of poor nutrition, including unhealthy food environments characterized by an abundance of cheap, unhealthy foods (Swinburn et al., 2011). There is growing international recognition of the need to implement such measures (UN 2018). However, government action to date remains slow, inadequate, and uneven, especially in

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LMICs (WHO 2020). Indeed, nutrition scholars often observe that implementing structural interventions to address unhealthy food environments is fraught with political challenges (Baker et al., 2018). Thus, scholars are turning increasing attention to the political processes and power dynamics that shape nutrition policy implementation. For example, scholars have identified how government action to address nutritional diseases is undermined by appeals to a neoliberal rhetoric via demands for individual freedom, personal responsibility for health, and minimal regulation to sustain economic competitiveness (Baker et al., 2017; Chaufan and Saliba 2019; Henderson et al., 2009).

What much of this research recognizes is that the frames, narratives, and ideological appeals that feature in political discourse can have a strong impact on whether and how government intervenes (Avni et al. 2015). These discursive influences on policy are typically less perceptible than other factors, such as evidence concerning the benefits or costs of a policy, but inconspicuousness belies inconsequence. Experimental studies have consistently demonstrated ‘framing effects’ on political attitudes and priorities, as when people reject a policy proposal when presented with its negative effects (e.g. regulation leads to a 5% rise in unemployment) and favour it when presented with equivalent positive effects (e.g. regulation sustains 95% employment) (Chong and Druckman 2007). Research also shows that arguments invoking normative and ideological appeals can be highly persuasive (Feinberg and Willer 2015; Kidwell et al. 2013). These discursive appeals therefore rank among the most influential tools that actors can leverage to shape policy decisions and agendas (Schmidt 2010). To understand the political processes and power dynamics shaping nutrition policy, it is therefore necessary to assess how interventions are described and contested in different fora, and how different sources of power are mobilised in these discussions.

The World Trade Organization (WTO) is arguably one of the most important, under-studied forums in which diverse policies, including nutrition regulations, have been discussed in recent decades (Barlow et al., 2018; Thow et al., 2017). The WTO is an intergovernmental organization that co-ordinates the rules of trade between its 164 members (WTO 2020). Besides reducing trade taxes (‘tariffs’), WTO members agree to follow rules related to non-tariff measures (which include ‘technical barriers to trade’). This is because trade costs can be created by regulatory differences between states, such as government regulations designed to create healthy food environments. For example, WHO recommends nutrition labelling of packaged foods (WHO 2013). This provides at-a-glance nutritional information about a food at the point of sale (Jones et al., 2019). However, nutrition labelling can create non-tariff trade costs if producers have to comply with different requirements in different jurisdictions (Thow et al., 2017). Nutrition labelling therefore falls under the remit of the WTO Agreement on Technical Barriers to Trade, the ‘TBT Agreement’ (WTO 2015).

Scholars investigating the links between trade policy and health have long noted that WTO members could refer to TBT rules at regular meetings of the TBT Committee to contest another member’s nutrition policies (Friel et al. 2015). During these meetings, governments can raise what are called ‘informal challenges’ to policies by claiming that they violate TBT rules, known formally as ‘Specific Trade Concerns’ (STC) (Wijkstrom and McDaniels 2013; WTO 2015). These informal challenges can stoke fears of a politically and economically costly ‘formal dispute’ to follow if members do not change policies. This can, in turn, lead to changes in policy design, delays in implementation, or the abandonment of a policy together (Koivusalo et al. 2009). One empirical study of nutrition labelling debates at the TBT Committee by Thow et al. (2017) found that high-income WTO members invoked TBT rules to contest novel nutrition labelling initiatives proposed by Thailand, Chile, Indonesia, Peru and Ecuador between 2007 and 2015. Barlow et al. further showed that several of these informal challenges were followed by changes in policy design and delayed implementation (Barlow et al., 2018).

Previous analyses have demonstrated the significant potential for TBT discussions to shape policy. They also provided important insights

into the ways in which technical obligations within TBT rules are invoked to informally challenge and ultimately delay or alter policies targeting the structural drivers of poor nutrition. Yet, we know relatively little about the frames, narratives, and normative appeals that feature in TBT discussions on nutrition policy, including nutrition labelling, and how power is mobilised through these non-technical claims. Analyses of government discourse within WTO pertaining to another important area of health policy, tobacco control, has nevertheless revealed important insights. For example, Drope and Lencucha (2014) illustrated how progress to overcome the tensions between trade and tobacco control has been advanced, in part, due to the emergence of global discourse seeking to integrate the two norms more coherently at WTO (Drope and Lencucha 2014). Lencucha et al. similarly observed that government officials raised a suite of non-technical claims to contest tobacco control policies at WTO, including at the TBT Committee (Lencucha et al. 2016). Furthermore, scholarship on trade and health outside WTO has identified how discursive processes and power asymmetries can shape the outcome of trade policy discussions that have implications for health (Friel et al., 2016; Schram 2018; Townsend et al. 2019, 2020).

In this article, we analyse the discourse used to informally challenge nutrition labelling regulations proposed by Thailand, Chile, Indonesia, Peru, Ecuador, Bolivia, and Uruguay at the WTO TBT Committee, 2007–2019. ‘Discourse’ here refers to the frames, narratives, and normative appeals that are articulated in interactive communications, and the underlying ideologies, public philosophies and values they represent (Van Dijk 1993; Schmidt 2010). In our analysis we therefore characterize the frames, narratives, and normative appeals portrayed in TBT minutes. We further assess how ideological and material sources of power are mobilised through these patterns of discourse. By doing so, our study advances scholars’ and policy-makers’ understanding of the political processes and power dynamics surrounding a government policy to address nutritional diseases, via a structural intervention, within an influential institution in which almost every country globally now participates. At the same time, we advance research on trade and health by calling attention to the non-technical pathways through which nutrition policy can be influenced in trade fora.

## 2. Materials and methods

### 2.1. Study setting and scope

We analysed written minutes of TBT Committee meetings where WTO members raised informal challenges to other members’ nutrition labelling regulation proposals. TBT Committee discussions usually take place two or three times a year in Geneva, Switzerland, and are designed to serve as a forum for WTO members to request further information about other members’ regulations and raise informal challenges. Disagreements that are not resolved via TBT discussions can escalate to a formal dispute but, in practice, most informal challenges do not escalate further as a majority of disagreements is resolved via TBT discussions (WTO 2015).

Our analysis focusses on TBT discussions about WTO members’ interpretative front-of-pack (FOP) nutrition labelling proposals. FOP nutrition labels provide information about a product’s nutritional quality on the primary display panel of its package (Jones et al., 2019). ‘Interpretative’ measures include simplified nutrient profile interpretations that help individuals understand the healthfulness or unhealthfulness of a product at the point of purchase, for example by using subjective words (eg, ‘good’ or ‘bad’) and ‘traffic light’ labels with a green-amber-red colour scheme.

We focussed on debates about interpretative FOP nutrition labelling regulations for two reasons. First, a growing body of evidence suggests that these measures can be effective in creating healthier food environments by providing information at the point of purchase to enable healthier consumption, and by encouraging food manufacturers to improve the nutrient profile of packaged foods (Shangguan et al., 2019).

Interpretative FOP nutrition labelling is therefore frequently described as an effective means to help build environments that support healthy diets (WHO, 2017). Second, only a small number of countries have implemented interpretative FOP measures to date (WHO 2020). Our focus specifically on these measures therefore reflects our interest in the political processes surrounding nutrition interventions that are purported to be effective in promoting healthy food environments but remain sparsely implemented.

## 2.2. Methodology and analytical framework

Our analysis used a methodology based on critical discourse analysis (CDA), which has been widely adapted to social scientific studies of health policy (Avni et al. 2015; Chaufan and Saliba 2019). CDA refers to an approach that “explores often opaque relationships between discursive practices, events and texts and wider social and cultural structures, relations and processes ... and [how] these arise out of and are ideologically shaped by relations of power and struggles over power” (Fairclough, 2001, p. 91). We explore these relationships by combining a thematic analysis of the content of TBT discussions with consideration of the power sources and relations in WTO members’ arguments. This was guided by research concerning the nature and influence of discourse in political debates and its relation to different sources of power. Table 1 summarizes the key concepts that we drew on to inform this analysis. Note that we do not undertake a deductive test of a framework and its applicability. Instead, we use an ‘integrated’ approach (Bradley et al. 2007). This approach combines inductive code development with a framework of terms and concepts to inform data organization and interpretation. We also recognize our positionality, that is, that our knowledge and background play a key role in framing our research questions, selecting and coding the data, and giving meaning to our results (G. Rose 1997). Hence, below we describe in detail the theoretical and empirical background of our study, our analytical focus, and

**Table 1**  
Key concepts used to guide coding and interpretation.

Term or concept	Description
<b>Constructivism</b>	An approach to political analysis that recognizes that political agents debating health and social policies regularly justify their position by appeals to a ‘logic of appropriateness’, that is, what is socially defined as normal, true, right, or good.
<b>Frame</b>	The (re)construction or (re)definition of the issues and problems that enter the policy agenda, a policy goal, and the need or reason for reform.
<b>Narrative</b>	An account linking events, causes, actors, and institutions in ways that are contingent on one another, within a structural arch, to build a story.
<b>Discourse</b>	Written or spoken communications that convey ways of understanding and conceptualizing the world. Ideas, frames, narratives, causal stories, values, and beliefs form the substantive content of discourse.
<b>Ideology</b>	Socially shared values, ideas, and beliefs that circulate via discourse and are used to justify a particular political tradition or policy. Dominant ideologies are pervasive and often uncontested, what Gaventa calls ‘invisible power’.
<b>Neoliberalism</b>	A contested and varyingly defined term. For our purposes, neoliberalism refers to the belief that human well-being can and should be advanced within an institutional framework that upholds individual liberty, protects private property rights, frees markets from state intervention, and sustains the ‘self-regulating’ capacity of market mechanisms to allocate resources efficiently.
<b>Sources of power</b>	Sources of effective influence on policy that actors mobilize to exert pressure, including ideological sources (eg mobilizing powerful dominant ideologies to legitimize an argument) and material sources (eg leveraging the resources, status, and authority associated with being wealthy to pressure for changes in policy designs or agendas).

Notes: See text for full Discussion of how we draw on these concepts in our coding and analysis.

how we integrated this into our analysis.

The starting point for our analysis is the observation, grounded in a constructivist perspective, that political agents seldom legitimate their claims by referring only to formal rules ‘on the books’ or economic cost/benefit analyses (Smith and Shiffman 2016). Such claims are typically accompanied by appeals to a ‘logic of appropriateness’, that is, what is socially defined as normal, true, right, or good (March and Olsen, 2004). For example, Van Leeuwen identified several common legitimation strategies in addition to appeals to formal rules, including ‘moral evaluation’ via reference to value systems, and ‘authorization’ via reference to powerful figures or tradition (Van Leeuwen 2007). These discursive devices often serve to make an argument based on formal rules persuasive (Carstensen and Schmidt 2016).

Socially constructed frames, rhetorical narratives, norms, values, and beliefs, or ‘ideational’ claims, form the substantive content of this discourse (Schmidt 2010). Framing, for example, involves selecting some aspects of perceived reality and making them more salient so as to (re)construct or (re)define the issues and problems that enter the policy agenda, a policy goal, and the need or reason for reform (Béland 2009; Entman 1993). Rhetorical narratives give meaning to these frames by binding them through inter-linked events, institutions, protagonists (Atkinson 2000; Stone 1989).

In this article, we sought to shed light on the politics of nutrition policy implementation by establishing how discourse is used in attempts to shape or subvert nutrition labelling policies at the WTO, and how different sources of power are mobilised in this process. To this end, our analysis first sought to identify the ideational claims that are deployed in TBT discourse. On the one hand, this constitutes an attempt to wield power by attempting to influence policies and political processes through discursive practices (Fuchs and Kalfagianni 2009). On the other hand, discourse can be particularly influential when it is bolstered by other sources of power (Carstensen and Schmidt 2016). This includes material advantages, which confer actors with the resources and authority needed to effectively shape political agendas and decisions; organizational capacities, for example access to policy networks and lobbying platforms; and ideological sources, derived from referencing dominant ideas, frames, narratives, and values to effectively exert political pressure (Carstensen and Schmidt 2016; Harris, 2020; Shiffman and Smith 2007). Hence, the next task of our analysis was to identify how different sources of power are mobilised via discourse. We conducted a preliminary review of WTO discourse considering these sources of power and others identified in the studies cited above. We then focussed our analysis on the two sources we primarily observed in our data: ideological and material.

We first assessed the powerful ideologies that members draw on when legitimating their arguments, with specific attention to what is arguably the most potent ideology in debates about both trade and health policy in the post-war era: neoliberalism (Rushton and Williams 2012; Townsend et al., 2020). ‘Neoliberalism’ has varying definitions and here it refers to the belief that human well-being can and should be advanced within an institutional framework that upholds individual liberty, protects private property rights, and sustains the ‘self-regulating’ capacity of market mechanisms to allocate resources efficiently and address social problems (Harvey 2007; Thorsen 2010). These beliefs manifest in arguments that invoke such beliefs and construct individuals as subjects who rationally deliberate about alternative choices, assigns personal responsibility to these decisions, and warns of the dangers and inefficiencies of state intervention (Brown 2003; N. Rose and Miller 1992). In the context of health, for example, neoliberal discourse champions the role of “self-regulating, individualized practices” over political and social determinants (Ayo 2012, 102). This serves to de-socialize poor health, as social determinants are overlooked and downplayed, and to de-politicize illness, as it becomes a personal issue which individuals, rather than governments, are to address (Carter 2015; Sweet 2018).

Arguments rooted in neoliberal beliefs can be highly persuasive



because they appeal to shared ideas about how the economy works or should work to maximise output and efficiency (Rushton and Williams 2012). Implicitly referencing neoliberal theory and beliefs therefore constitutes a powerful argumentation resource, or source of power, that bolsters the perceived legitimacy of a narrative, argument, or frame, and its efficacy in yielding influence (Béland 2009; Finlayson 2013). References to neoliberal beliefs may also be particularly potent within the WTO, as WTO members may see the institution and its rules as being oriented towards a neoliberal goal of global market openness (Wijkstrom and McDaniels 2013). Hence, such references may be seen to reflect and uphold the core tenets of the WTO and TBT rules.

Second, it is well-recognised that powerful actors leverage the influential potential of discourse in order to strategically advance their interests (Fuchs and Kalfagianni 2009; Rushton and Williams 2012). There are, however, uncertainties regarding the precise constellation of power asymmetries that characterize informal TBT challenges. On the one hand, there are significant disparities in economic resources and power between HIC and LMIC members within the WTO, and some scholars regard WTO Agreements as diplomatic instruments that are used by powerful HIC governments to wield political pressure (McGrady 2011). On the other hand, LMICs may also use the TBT Committee to contest policies elsewhere. This can happen in part because powerful international businesses lobby LMIC governments to raise informal challenges against health regulations on their behalf (Eckhardt et al. 2016). As such, LMICs may frequently raise informal challenges against other LMICs. We therefore assessed whether there were any distinctive non-technical arguments evident in the discourse with respect to the income level of member states. We further plotted the income pattern in informal challenges and later return to the possibility that powerful businesses may behind LMIC challenges when reviewing our main findings in the Discussion.

### 2.3. Data sources, coding, and analysis

Fig. 1 summarizes how we identified relevant TBT discussions and corresponding documentation. Briefly, we combined data from Barlow et al. with additional TBT Committee meeting minutes, written challenges, and policy proposal summaries from WTO Documents Online (Barlow et al., 2018; WTO 2020). After reviewing these documents we identified discussions on all interpretative FOP nutrition labelling measures that were subject to informal challenges at the TBT Committee, 1995–2019. We identified relevant information in  $n = 47$  documents pertaining to discussions on 7 countries' proposals: Thailand, Chile, Indonesia, Peru, Ecuador, Bolivia, and Uruguay. Table 2 summarizes the nutrition labelling regulations we identified, the year they were proposed, and the documents we analysed.

Our analysis of informal TBT challenges proceeded in three steps: coding, code categorisation, and power analysis (Fairclough 2003). The final coding scheme, data, and replication files are available in Appendices 1–3. We first coded the non-technical claims raised in TBT debates about nutrition labelling policies to identify their principal discursive elements. These 'non-technical' arguments i) did not refer to the TBT Agreement, ii) did not refer to a specific TBT clause or quote text from the TBT Agreement, and/or iii) did not address technical challenges to nutrition labelling policies, namely those discussed in Thow and colleagues' analysis (Thow et al., 2017). In addition, identification of non-technical claims was aided by the analytical concepts in Table 2. Note that our data coding included statements that surrounded references to TBT rules. In the Results we note any instances where such statements may infer references to the TBT Agreement but are beyond its scope.

We used an iterative procedure to code TBT discussions (Miles et al. 2013). The first researcher selected a sample of the minutes, summarized the arguments, and developed a preliminary codebook with reference to the analytical framework, where each code represented a distinct non-technical statement. Both researchers then refined the

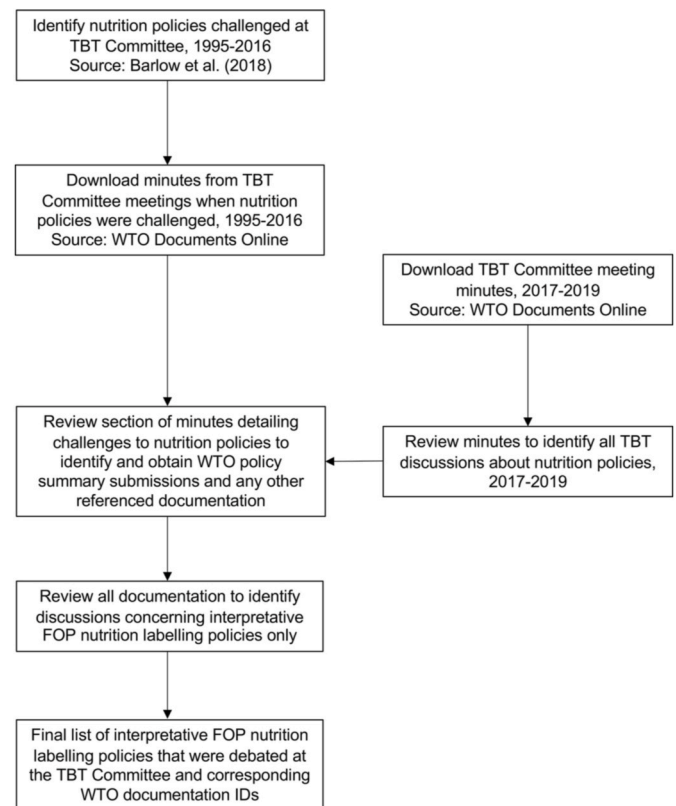


Fig. 1. Policy and documentation identification procedures. Notes: See Table 2 for full list of labelling policies and WTO documents included in the analysis.

codebook together, with reference to the sampled data and the analytical framework. The first researcher then coded the remainder of the data whilst regularly comparing the draft codebook to the new data to assess the suitability of existing codes. We expanded, combined, or updated the codebook and re-coded previous sections of the data where necessary, and resolved any ambiguities via discussion.

Next, we grouped codes according to categories reflecting a common underlying narrative or discursive strategy, informed by the analytical framework described above. We then scrutinized the relation between discursive categories and ideological sources of power, i.e. invoking neoliberal ideology, and material sources of power, i.e. country-income levels. We compared discursive themes and categories to the specific neoliberal assumptions, values and beliefs discussed above to assess how members implicitly referenced them in their arguments. We grouped discursive categories and themes by country income level using the World Bank's income classification scheme to identify any distinctive claims raised by high-income members (World Bank 2018). Coding and code grouping was supported by NVivo12 Plus qualitative analysis software and network plots were created using R.

### 3. Results

Fig. 2 plots each informal challenge as a network figure. Fig. 2 shows that opponents of nutrition labelling policies at the TBT Committee included HIC members, including the USA, the EU, and Canada. Several LMICs also raised informal challenges, including Guatemala, Brazil, Costa Rica, and Mexico.

Table 3 summarizes the principal discursive themes and categories we identified in WTO member statements and their relationship to ideological and material sources of power (Appendix 4 for themes by income level). Below we outline each of these discursive patterns and their relation to neoliberal discourse and country-income level in further detail.

**Table 2**  
Documents included for analysis.

Country & policy	Document IDs	Year(s) challenged
<b>Thailand - Labelling Requirement for Snack Foods</b>	G/TBT/N/THA/215, G/TBT/M/41, G/TBT/M/42, G/TBT/M/43, G/TBT/M/44, G/TBT/M/45, G/TBT/M/46	2007–2008
<b>Chile - Proposed amendment to the Food Health Regulations</b>	G/TBT/N/CHL/219, G/TBT/N/CHL/221, G/TBT/N/CHL/282, G/TBT/W/361, G/TBT/W/372, G/TBT/W/406, G/TBT/W/428, G/TBT/W/445, G/TBT/M/59, G/TBT/M/60, G/TBT/M/61, G/TBT/M/62, G/TBT/M/63, G/TBT/M/64, G/TBT/M/65, G/TBT/M/66, G/TBT/M/67, G/TBT/M/68, G/TBT/M/69, G/TBT/M/70	2013–2016
<b>Indonesia - Ministry of Health Regulation on the inclusion of sugar, salt and fat content information, as well as health messages on the label of processed foods</b>	G/TBT/N/IDN/58, G/TBT/W/445, G/TBT/M/60, G/TBT/M/61, G/TBT/M/62, G/TBT/M/63, G/TBT/M/64, G/TBT/M/65, G/TBT/M/66, G/TBT/M/67, G/TBT/M/68, G/TBT/M/69, G/TBT/M/70	2013–2016
<b>Peru - Act to Promote Healthy Eating Among Children and Adolescents</b>	G/TBT/N/PER/59, G/TBT/W/429, G/TBT/M/60, G/TBT/M/61, G/TBT/M/62, G/TBT/M/63, G/TBT/M/64, G/TBT/M/65, G/TBT/M/66, G/TBT/M/67, G/TBT/M/68, G/TBT/M/69, G/TBT/M/70, G/TBT/M/71, G/TBT/M/72, G/TBT/M/73, G/TBT/M/74	2013–2018
<b>Ecuador - Resolution on the labelling of processed and packaged food products; Ministry of Public Health Executive Decree amending the Sanitary Regulations for the Labelling of Processed Foods for Human Consumption</b>	G/TBT/N/ECU/19, G/TBT/W/407, G/TBT/W/430, G/TBT/M/62, G/TBT/M/63, G/TBT/M/64, G/TBT/M/65, G/TBT/M/66, G/TBT/M/67, G/TBT/M/68, G/TBT/M/69, G/TBT/M/70, G/TBT/M/71, G/TBT/M/72, G/TBT/M/73, G/TBT/M/74	2014–2018
<b>Bolivia - Food Labelling and Advertising Law</b>	G/TBT/N/BOL/4, G/TBT/M/73, G/TBT/M/68	2016
<b>Uruguay - Labelling of Packaged Food</b>	G/TBT/N/URY/14, G/TBT/N/URY/25, G/TBT/N/URY/26, G/TBT/W/613, G/TBT/W/614, G/TBT/W/677, G/TBT/M/77, G/TBT/M/78	2019

Notes: n = 47 documents including written policy notifications outlining a policy (n = 11), TBT meeting minutes (n = 24), and written comments on WTO notifications submitted ahead of TBT meetings (n = 12). Document references correspond to WTO nomenclature. All documents are freely available online from the WTO Documents Online archive ([WTO 2020b](https://www.wto.org/Trade_Enforcement/Trade_Barriers/Trade_Technical_Barriers/TBT/Docs/Docs.htm)).

**3.1. Neoliberal narratives: individualizing the causes of poor nutrition**

WTO members contested the decision to implement nutrition labelling policies and features of their design by advancing a neoliberal narrative that championed individual determinants of poor nutrition whilst downplaying the role of food products and the unhealthy nutrient profile of pre-packaged foods. There were five main arguments that were used to build this narrative. The arguments were cited alongside and in support of technical arguments citing TBT rules, including those claiming that the measures created ‘unnecessary’ trade costs and those questioning the rationale or legitimacy of the measures, often with reference to concerns regarding the evidence base underpinning the measure.

First, members highlighted the role that individuals and their habits or lifestyles played in causing dietary illnesses. For example, a Brazilian representative commented on Chile’s labelling proposals by stating that

obesity was caused by “bad lifestyles and habits” (G/TBT/M/62). Second, WTO members highlighted the role of an individual’s dietary context in determining the links between processed food consumption and disease. One instance of this framing occurred when an official from the US argued that Peru’s labelling proposals “failed to consider total dietary intake or the amount and frequency of a food’s consumption” (G/TBT/M/73). A representative from Costa Rica also argued that Uruguay’s proposed labelling regulation was misleading and confusing because it failed to take account of how “the context of an overall diet is what really matters when it comes to informing and educating consumers about nutrients of public health concern” (G/TBT/W/613).

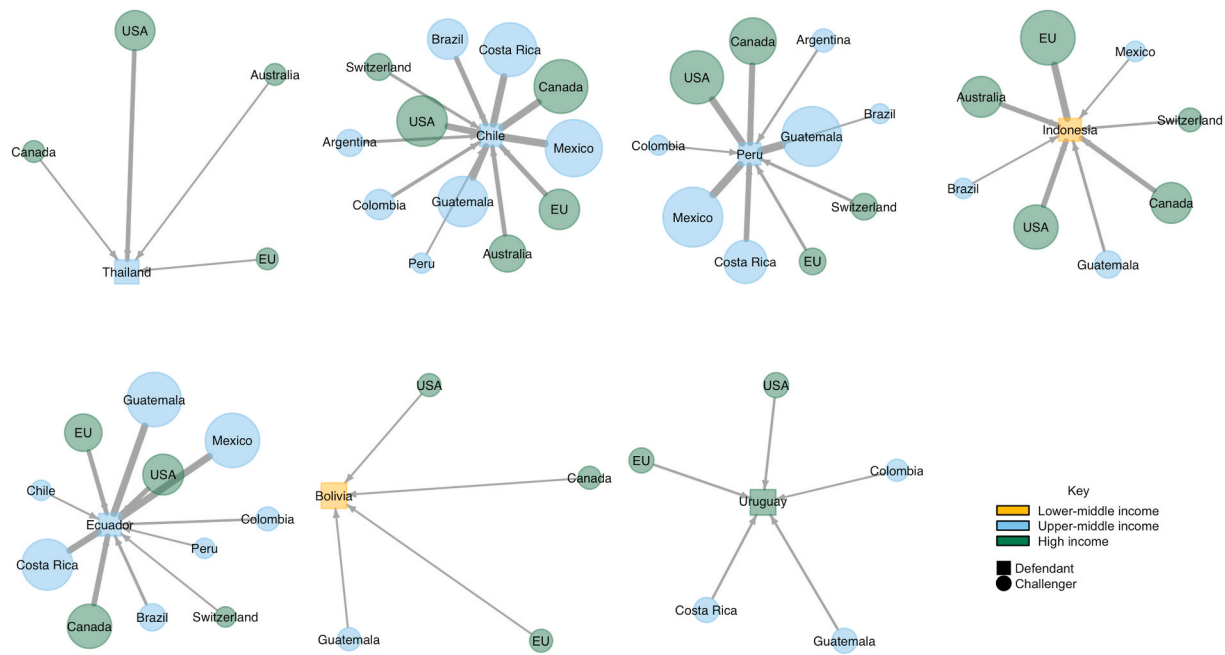
Third, WTO members downplayed the risks of processed foods and ingredients by questioning their harms, whilst implying that individual self-regulation or moderation was relatively important. For example, in 2013 a US official challenged Peru’s proposed labelling regulation by arguing it was inappropriate to use messages alerting individuals to products ‘high in’ certain nutrients as “any food could be eaten in moderation as part of an overall healthy diet” (G/TBT/M/61). Fourth, WTO members similarly suggested that labelling proposals mistakenly singled out foods as a cause of nutritional diseases. For example, Mexico’s written comments on Chile’s draft legislation stated that using the terms ‘bad’ on labels could lead consumers to “assume that non-transmissible diseases such as obesity are caused by the consumption of specific foods” (G/TBT/W/429). A Guatemalan representative similarly questioned Ecuador’s labelling proposals by arguing that it “prejudiced food as the only cause of the problem” (G/TBT/M/66).

Finally, members emphasized the nutritional benefits of foods that had been designated as ‘unhealthy’ according to a nutrition labelling scheme. For example, in 2007 a US official informally challenged Thailand’s proposed traffic-light labelling scheme by stating that “she was concerned that the food on the list would be demonized whereas this food could be part of a healthy diet” (G/TBT/M/45). A US official also challenged Indonesia’s proposed labelling scheme in 2013 by stating that “sugar, sodium and fat ... were also necessary components of a healthy diet” (G/TBT/M/60).

**3.2. Contesting and affirming congruence with neoliberal economic theory, values, and beliefs**

WTO member discussions on nutrition labelling proposals featured statements that affirmed or contested the normative legitimacy of members’ policies based on their congruence with neoliberal economic theory, values, and beliefs. There were three such statements. First, WTO members sanctioned what they saw as the broad principles reflected in nutrition labelling policies: an individualized approach to redressing poor diet by targeting increased consumer information and improving choices, lifestyles, and habits. For example, in 2007 an EU official expressed support for the Thai government’s goal of “improving consumer information on nutritional facts” (G/TBT/M/42). A Costa Rican official further commented on Uruguay’s proposals by remarking that they “support all training, education and information programmes aimed at improving the dietary habits of the population” (G/TBT/M/64). In both instances, these WTO members subsequently critiqued the scope and design of the proposed measures.

Second, WTO members cited the harms, inefficiencies and injustices of state intervention. One manifestation of this argument cited the likely negative consequences of state intervention for nutrition and health, reflecting the neoliberal belief that state intervention is a harmful and inefficient approach to achieving social objectives. For example, a Costa Rican representative informally challenged Peru’s labelling proposals by stating that the measure risked “considerably contributing to the increase in informal supply of food products and beverages that were not produced under known health standards” (G/TBT/M/66). Members further commented on the injustices of state intervention, reflecting neoliberal beliefs that state intervention is malign. In 2013, a US representative argued that Indonesia’s proposed regulation would



**Fig. 2.** Network plot of challenges to interpretative Front-of-Pack (FOP) nutrition labelling policies, 2007–2019 at the WTO TBT Committee. *Notes:* Node colour corresponds to country income group in the year the member was first subject to or raised a challenge. Arrow thickness and circular node size correspond to the number of times a circular node raised challenges to nutrition labelling policies proposed by members denoted in square nodes; larger node sizes and thicker lines correspond to a larger frequency of challenges. See Appendix 5 for a summary of challenges by WTO member. (For interpretation of the references to colour in this figure legend, the reader is referred to the Web version of this article.)

“unfairly position certain foods in the eyes of consumers” (G/TBT/M/60). Others stated that policies were “prejudiced”, as stated above in Guatemala’s comments on Ecuador’s proposals, or that signposting high levels of specific ingredients “demonized” or “stigmatized” certain products, as argued by the US in their comments on Thailand and Chile’s nutrition labelling policy proposals (G/TBT/M/45; G/TBT/M/61).

Third, WTO members emphasized the potential harms and costs of the measures economically, invoking neoliberal beliefs that state intervention prevents efficient market functioning. Note that such arguments go beyond the scope of the TBT Agreement, which calls for avoidance of unnecessary trade barriers and costs specifically, rather than wider economic costs. For example, in 2014 an EU official stated that Ecuador’s labelling proposals were not “the best way ... [to] foster effective competition” (G/TBT/M/64). And, in 2015, a US official argued that Peru’s labelling proposals would “stifle industry innovation to make food healthier” (G/TBT/M/66).

### 3.3. Re-defining goals to ensure congruence with neoliberal economic theory, values, and beliefs

The arguments outlined above illustrate how WTO members mobilised powerful neoliberal assumptions, values, and beliefs to comment on nutrition labelling policies. The above arguments were common to HIC and LMIC WTO members. However, there was a further distinct pattern in the way HICs made such statements: they went beyond affirming or contesting policy goals to re-defining or re-directing them in ways that rendered them congruent with neoliberal beliefs.

In particular, on a number of occasions HIC members stated explicitly what they believed the goal of the policy should be. These suggestions were consistently aligned with neoliberal economic theory and beliefs that the state is excessively authoritative and inefficient, and thus suggest a discursive attempt to actively shape policy in other countries towards a neoliberal approach. For example, in 2013, a US official questioned the authoritative design of Peru’s warning messages on food labels, arguing that “more neutral messaging” could be considered, rather than “instructing consumers not to consume particular products”

via the proposed warning label (G/TBT/M/73). This discursive strategy was also evident in the reframing of policy objectives, where members referred to a policy goal using language that implied a different target for intervention compared with the original policy proposal submitted to the WTO. For example, an EU representative commented on Chile’s labelling scheme by stating that it doubted “if the approach was proportional to the aim pursued, which was to empower consumers to make informed dietary choices in order to foster effective competition and consumer welfare” (G/TBT/M/59). Yet, Chile’s original policy proposal did not state that the policy aimed to foster effective competition and consumer welfare; instead the policy referred more specifically to the goal of warning populations about the nutrient profile of certain foods, reduce consumption of unhealthy foods, and address obesity and related non-communicable diseases (G/TBT/N/CHL/219).

### 3.4. Setting policy norms and procedures by appealing to high-income members’ authority

HIC WTO members further argued that other countries should follow policy norms and procedures they advocated for, rather than those specifically set out in WTO rules. For example, in 2013 an Australian representative questioned Indonesia’s labelling proposals by arguing that the government could consider alternative “measures to promote consumer health, which were being considered by other countries, including Australia” (G/TBT/M/63). At the same meeting a US official added that Chile could adopt measures similar to its own “proposed rules for nutrition labelling”.

The US also called on countries to increase opportunities for stakeholder input in policy development, outside the WTO. In the Chilean case, for example, the US “urged Chile” to open up its policy development process to external input “and consult with all stakeholders in doing so” (G/TBT/M/66). This argument has similarities with an earlier informal challenge against Thailand’s proposed labelling measure in which the US “urged Thailand to discuss the labelling issue with the many stakeholders that had expressed concerns” with the regulations (G/TBT/M/43).

**Table 3**  
TBT discourse: non-technical and normative arguments against nutrition labelling regulations.

Discursive category	Summary of discursive themes	Relationship to ideological and/or material sources of power
<b>Neoliberal narratives: individualizing the causes of dietary diseases</b>	<ul style="list-style-type: none"> <li>• Highlight individual causes including habits and lifestyles</li> <li>• Highlight the role of individual dietary context in determining the links between processed food consumption and disease</li> <li>• Question the harms from processed foods and ingredients</li> <li>• Question whether processed foods can be singled out as a cause of nutritional diseases and stress the role of self-regulation and moderation</li> <li>• Emphasize the positive nutritional qualities in certain foods and ingredients</li> </ul>	<ul style="list-style-type: none"> <li>• Invokes dominant neoliberal values, assumptions and beliefs which individualize the causes of social problem and downplay the role of structural drivers (eg unhealthy food environments)</li> </ul>
<b>Contesting and affirming congruence with neoliberal economic theory, values and beliefs</b>	<ul style="list-style-type: none"> <li>• Support policies aimed oriented their goals towards improving individual choices or information</li> <li>• Stress the inequitable, inappropriate, malign, or otherwise harmful nature of policies targeting specific food products or product categories, including their social costs</li> <li>• Re-articulate the policy’s goal(s) in ways that focus on individual choices, information, and attention to market competition</li> </ul>	<ul style="list-style-type: none"> <li>• Invokes dominant neoliberal values, assumptions and beliefs that champion individualized solutions to obesity and warn of the inefficiencies and injustices of state intervention</li> </ul>
<b>Re-defining policy goals to ensure congruence with neoliberal economic theory, values, and beliefs</b>	<ul style="list-style-type: none"> <li>• Cited established policies (or policy norms) in other (developed) countries as preferred examples of practice to follow</li> <li>• Call for engagement with stakeholders from their own governments</li> </ul>	<ul style="list-style-type: none"> <li>• Argument raised exclusively by high-income members</li> <li>• Invokes dominant neoliberal values, assumptions and beliefs that champion individualized solutions to obesity and warns of the inefficiencies, dangers, and authoritative nature of state intervention</li> </ul>
<b>Setting policy norms by appealing to high-income members’ authority</b>	<ul style="list-style-type: none"> <li>• Cited established policies (or policy norms) in other (developed) countries as preferred examples of practice to follow</li> <li>• Call for engagement with stakeholders from their own governments</li> </ul>	<ul style="list-style-type: none"> <li>• Argument raised exclusively by high-income members</li> <li>• Invokes materially wealthy country policies as source of authority</li> </ul>

Notes: See [Appendix 2](#) for detailed codebook.

Note that both of the above arguments go beyond the rules and obligations set out in the TBT Agreement, which include a formal requirement to follow codified international standards where applicable – rather than any existing practices – and which do not explicitly require additional stakeholder input outside WTO (WTO 2015). Through the above statements, members instead appealed to their preferences, established norms, and the authority of their established policies to call for policies and processes to change.

**4. Discussion**

In this study we identified that TBT Committee discourse on interpretative FOP nutrition labelling policies proposed by Thailand, Chile, Indonesia, Peru, Ecuador, Bolivia, and Uruguay, 2007–2019, featured a suite of non-technical frames, narratives, and normative claims. WTO members mobilised neoliberal assumptions and beliefs to champion individualized accounts of the causes of poor nutrition, sanction policies rooted in individual-level change, and contest the inefficiencies, harms, and injustices of members’ proposed regulations. These patterns of discourse were consistent across HICs and LMICs. HIC WTO members also re-framed LMIC members’ policy goals to focus on individual determinants of poor nutrition and market-oriented interventions, again drawing on neoliberal assumptions through these statements. HIC WTO members further pressured other countries to adopt policy designs and processes aligned with those they had adopted or preferred.

What do these patterns of discourse at the WTO imply for our understanding of the political processes that shape or subvert nutrition labelling policies, and the sources of power that are mobilised in this process? There is extensive evidence to suggest that frames, narratives, and normative appeals can have a strong influence on political agendas, priorities, and decisions, especially where they appeal to powerful ideologies like neoliberalism, and are raised by economically powerful actors (Carstensen and Schmidt 2016; Chong and Druckman 2007; Kidwell et al. 2013). We identified a suite of such appeals that invoked neoliberal ideology to contest nutrition labelling proposals at the WTO. High-income members also used select non-technical claims to lobby for policy goals and designs they preferred. TBT discourse may therefore serve as an inconspicuous tool through which nutrition labelling policies in LMICs are shaped, weakened, or potentially subverted by powerful

high-income WTO members, and by powerful neoliberal ideology.

Neoliberal principles have certainly suffused the policy space more broadly and these TBT discussions may simply reflect this reality. However, TBT discussions may serve to further normalize and legitimate members’ neoliberal rhetoric and policy approaches. Furthermore, almost every country globally is now a member of the WTO, and those who observe concerns raised regarding other members’ measures in the TBT Committee are likely to take such comments into account when designing their own policies. Neoliberal discourse of the nature that features in TBT discussions serves more broadly to de-socialize the causes of poor nutrition and de-politicize the health issues it creates, as poor diet becomes a personal issue which individuals, rather than governments, are expected to address (Carter 2015; Chaufan and Saliba 2019; Sweet 2018). TBT discourse may therefore be influential in discouraging members from proposing structural interventions and alternatively encourage them to focus on individual-level determinants of poor diet, and/or to prioritize policies that entail relatively little mandatory state regulation. These possibilities are supported by evidence showing that claims raised at the TBT Committee have previously been associated with changes in policy, including the scope of measures under consideration (Barlow et al., 2018; Wijkstrom and McDaniels 2013).

To be sure, the non-technical claims we identified accompanied technical-legal appeals to TBT rules, and TBT rules may shape the scope and content of non-technical discourse. For example, Members may contest the consistency of members’ labelling proposals with neoliberal economic theory (as we illustrate) because they consider such arguments consistent with the ‘spirit’ of WTO rules: to reduce trade costs, promote trade and, ultimately, facilitate economic development. Furthermore, as Lencucha noted in their analysis of WTO disputes on tobacco, WTO members may make non-technical claims in order to try and bolster their technical-legal arguments and to give them meaning, that is, to make them resonate (Lencucha et al. 2016). As such, non-technical arguments may serve largely to help make technical-arguments regarding nutrition policies persuasive. These points underscore the importance of these non-technical arguments for understanding how WTO processes shape nutrition labelling policy.

The discursive patterns we identify in our analysis also recall those championed by industry elsewhere, including in other trade fora (Friel



et al., 2016). For example, multi-national food corporations have repeatedly used their large marketing budgets to disseminate a narrative of obesity that highlights the causative role of individual choices in leading to poor diets and questions the harms from processed foods (Allen 2020). Studies have also shown that industry representatives have undermined nutrition policies by stressing the lost efficiencies resulting from mandatory industry regulations, and an unjust stigmatization certain foods (Bes-Rastrollo et al., 2013; European Commission 2006; Verduin et al. 2005). The similarities between industry discourse and the patterns in our data suggest that industry may be lobbying governments to perpetuate a discourse at the TBT that undermines the socio-political acceptability of the nutrition policies they contest, and legitimizes those they endorse. This possibility is bolstered by evidence showing that as multi-national food companies have expanded their market dominance in LMICs, including via investment and exports, they are increasingly engaged in lobbying efforts in LMICs to advance health policy agendas and decisions that serve their interests (Gómez 2019; Greenhalgh 2019). Indeed, lobbying may explain why some LMICs were regularly involved in TBT debates, especially Latin American countries which receive large inward investments in the processed food industry (e.g. Mexico) and are major exporters of ingredients like sugar used in snack food production (e.g. Brazil).<sup>1</sup> Alternatively, industry may wield influence indirectly, by producing distorted scientific evidence and policy advice that is forcefully communicated to governments (Allen 2020; Barlow et al., 2018), and subsequently referenced at the TBT Committee.

It is nevertheless important to note that many of the discursive patterns we identify reflect a neoliberal ideology that is powerful in its own right, albeit one that is supported by industry and upholds its interests (Cullerton et al., 2016). The alignment of TBT discourse with industry interests arguably reflects a more fundamental transformation in state policy in the post-war era, whereupon governments have embraced neoliberal ideology and policies that prioritize industry interests over health (Lencucha and Thow 2019). Furthermore, we found that neoliberal appeals were articulated by LMICs who were not the historic proponents of neoliberalism and may even experience economic and health harms due to its dominance (Babb and Kentikelenis 2017; Thomson et al. 2017). These considerations point to a further way in which power features in TBT discussions: implicit references to neoliberalism may reflect its dominance as an ideology that sub-consciously structures patterns of discourse in both LMICs and HICs, serves the interests of powerful groups, and furthers health disadvantages even among those who promote it.

Our findings also have implications for scholarship on trade policy and health. Researchers in the field have long argued that trade rules and agreements can be used to delay health policies and may even lead governments to abandon health policy proposals entirely, including those regulations targeting dietary improvements (Koivusalo et al. 2009; Thow et al., 2017). We identified a suite of non-technical claims that accompany appeals to TBT rules and associated informal challenges.

<sup>1</sup> For example, Brazil was involved in several challenges and is the world's largest exporter of sugar and the largest recipient of FDI in the food and beverage sector in Latin America (OECD 2019); Mexico raised several challenges has been ranked the 4th largest recipient of investment in food processing globally; Guatemala was repeatedly involved in raising challenges, and FDI from the Central American Bottling Corporation, in which PepsiCo holds 18 percent of ownership, accounts for 100% of Guatemala's FDI in the food and beverage sector from other Latin American Countries (LAC) (Fiedler and Iafrate 2016). This is significant because intra-LAC FDI accounts for almost 50% total FDI in LAC – albeit often from MNCs with branches in HICs. These patterns may explain why certain LMICs were raising challenges as MNCs providing inward investments may leverage the considerable economic power associated with investment by lobbying governments to raise challenges on their behalf – including against other LMICs – as has been identified in the case of tobacco (Eckhardt et al. 2016).

This builds on previous findings elsewhere, which demonstrated how ideological discourse is used by powerful non-state actors to try and influence trade agendas and to shape the outcome of WTO discussions on tobacco (Lencucha et al. 2016; Townsend et al., 2019). Given that discourse can be highly influential in shaping political attitudes and behaviour, these patterns of discourse may hold even greater sway than technical arguments based on TBT rules. Taken together, these findings call attention to the importance of the non-technical, discursive, and ideological pathways through which government officials use the WTO to shape domestic nutrition policy, and how these pathways create scope for the subtle mobilisation of power to exert political pressure.

This study also provides insights for the public health community regarding responses to informal trade challenges. There have typically been two policy conclusions arising from studies assessing how TBT rules are used to contest nutrition policies: regulations should be designed so that they conform to technical obligations required in the TBT Agreement to reduce the possibility of an informal challenge, and TBT rules and other trade obligations should to be enforced and designed in ways that provide adequate scope for effective nutrition policy implementation (Mitchell and Voon 2011; Thow et al., 2017). However, by revealing the non-technical claims that are invoked to informally challenge nutrition labelling policies at the TBT Committee, our study highlights that technical fixes to the global trade regime or policy design may be inadequate, especially where WTO members are supportive of neoliberal ideas and hence easily persuaded by WTO discourse. In order to effectively address discursive pressure at WTO, it will likely be necessary to develop powerful counter-discourses that engage with and effectively contest the powerful frames, discourse, and ideologies that are invoked at the TBT Committee – and the vested interests they represent. Strategies that may be effective in this regard include the alignment of nutrition labelling proposals with neoliberal rhetoric, for example by citing the economic costs and inefficiencies from delaying regulation (Bloom et al., 2011). Alternatively, it may be relatively effective to appeal to principles of social justice, for example by citing society's obligation to ensure equal opportunities for living healthy lives, particularly among the worst-off (Braveman et al., 2011).

#### 4.1. Limitations

This study presents a qualitative discourse analysis, drawing on publicly available meeting minutes. We have attempted to limit potential bias and enhance the transparency, reliability, and validity of our research by documenting our methods, incorporating checks into our coding process, acknowledging our subjectivity, and providing replication materials (Mays and Pope 2000). There are nevertheless several important limitations to note. First, summaries of TBT discussions in minutes may not convey the full details of informal challenges. Second, our analysis captures discussions that take place at the TBT Committee, and members may participate in parallel discussions elsewhere. Whilst these discussions may feature different issues and arguments, our analysis may provide an insight into what is said elsewhere, including discussions considering obligations in the many recent trade agreements which incorporated and expanded on WTO rules (Dür et al. 2014). Third, we could not directly investigate industry influence.

Finally, our study did not assess the impact of discourse, although a large body of experimental research indicates significant effects of framing and discourse on political attitudes and behaviour (Chong and Druckman 2007). These limitations point to important areas for future research, including studies to assess whether TBT discourse shapes policy, and the use of the TBT committee as a corporate political strategy to undermine effective health policies.

## 5. Conclusions

In this study, we found that TBT Committee discourse on interpretative FOP nutrition labelling policies proposed by 7 LMICs, 2007–2019,



featured a suite of non-technical frames, narratives, and normative claims. WTO members mobilised neoliberal assumptions and beliefs by championing individualized accounts of the causes of poor nutrition, sanctioning policies rooted in individual-level change, and challenging the inefficiencies, harms, and injustices of members' proposed regulations. HIC WTO members further re-framed LMIC members' policy goals to focus on individual determinants of poor nutrition and market-oriented interventions, and used non-technical claims to pressure other countries to adopt policy designs and processes they preferred. Patterns of TBT discourse also had striking similarities with arguments raised by multi-national food corporations elsewhere. Our findings suggest that non-technical and ideological claims in intercountry discourse within TBT meetings serve as inconspicuous tools through which nutrition labelling policies in LMICs are undermined by HICs, industry, and the powerful ideology of neoliberalism.

#### Author contributions

Pepita Barlow: Conceptualization, Methodology, Data curation, Formal analysis, Writing – original draft, Writing – review & editing, Visualization, Project administration. Anne-Marie Thow: Conceptualization, Validation, Writing – review & editing.

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#### Appendix A. Supplementary data

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