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How policy actors assert authority in the governance of food marketing policies

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CHS conceptualized the study, applied for the funding, contributed to data analysis and writing of the manuscript.

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SF conceptualized the study, applied for the funding, contributed to data analysis and writing of the manuscript.

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None to declare

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ABSTRACT

The regulation of unhealthy food marketing is a highly contested space that involves a diverse range of actors and institutions. There is a paucity of research on the strategies used by the different actors to influence these policies. This study examined the use of authority by different regulatory actors to influence food marketing policies. We conducted semi-structured interviews with ($N=24$) government, industry, civil society and technical experts involved in the regulation of food and beverage marketing in Australia. We identified five types of authority: institutional, delegated, expert, principled and capacity-based authority. Actors from the advertising, food and media industries claim more authority than technical experts, civil society, and government actors, suggesting that industry actors have multiple pathways to influence policy. The industry's claims of delegated and institutional authority are highly contested by civil society, technical experts, and state/territory government actors and recognised by federal government actors. Claims of circumscribed institutional authority are common among federal government actors such as the National Department of Health, Australian Media and Communications Authority and Food Standards Australia New Zealand. The assertions of authority observed in this study highlight the fragmented manner of the Australian food marketing regulatory system and have implications for which actors should be held accountable for the current challenges in the governance of food marketing policies.

Keywords: food marketing, governance, authority, industry, government

Introduction

Marketing restrictions constitute one of the policy levers for protecting populations against the marketing of unhealthy foods, including ultra-processed foods (UPF). The governance of these policies is a common challenge globally, with their development involving a diverse range of actors, including government, industry, non-government organisations, and institutional processes¹⁻⁴. Studies of inadequate regulation of food and UPF marketing have highlighted the diversity of actors and competing interests involved in the governance of food marketing policy⁵⁻⁸. Food marketing regulation is a highly contested policy space, and influence by powerful actors has been identified as hampering adoption and weakening policy design^{9,10}. This study seeks to examine how different actors assert and exercise authority to advance their interests and influence policies that regulate the marketing of UPF in Australia.

The sales and consumption of ultra-processed foods (UPF) are increasing globally^{11,12}. UPF are defined as industry made formulations that are manufactured mostly or entirely of substances that are derived from food and contain additives such as colourants and flavour enhancers¹³. These foods are generally highly palatable, not nutritionally balanced and usually come in the form of packaged food, fast food, carbonated beverages and ready-made meals¹³. A recent meta-analysis found that UPF consumption was associated with a worse risk profile for cardiometabolic diseases such as diabetes, high risk of cardiovascular diseases, cerebrovascular diseases and depression¹⁴. However, companies that manufacture these products use a range of strategic practices, including marketing, to shape consumer preferences and behaviours that increase demand for and consumption of UPF^{15,16}. UPF are heavily marketed across various platforms, including digital media^{17,18}, on-pack¹⁹ and broadcast media²⁰.

Restricting unhealthy food marketing has been identified as an effective strategy to reduce the exposure and power of food marketing to children²¹⁻²³. Despite such evidence, the progress in implementing comprehensive food marketing policies has been slow¹, with many countries still opting for industry self-regulation, which has been widely shown to be ineffective in reducing exposure to food marketing^{1,24}. Furthermore, current regulations do not specifically target UPF but focus on foods with certain nutrient attributes such as high salt, sugar and fat. The emphasis on nutrient attributes reflects the dominant paradigm of nutritionism which is perceived to enable corporate influence over food regulation²⁵.

Research so far on the governance of food marketing policies has been focused on the shortcomings and impacts of current regulations^{2,26-28}. There is a paucity of research on the diversity of policy actors and how they try to influence food marketing policies, including those on the restriction of products such as UPFs.

Current research on the regulation of food marketing illustrated how the different actors involved in the policy process have varying levels of influence and access to policymakers. For example, recent studies on corporate political activities and the regulation of unhealthy food marketing show that commercial actors have more access to the policy process and use a range of tactics to influence the policy process^{29,30}. Similar power asymmetries have been observed in governance analyses in comparable contested policy areas such as trade and health,^{31,32} whereby market-oriented actors seeking to advance economic interests on the one hand and government public health officials and health advocacy groups seeking to protect health on the other hand, often operating on the margins of the policy area and with little influence^{31,33}.

This study aims to examine the different sources of authority held by different actors and how they asserted their authority to shape policies that restrict the marketing of unhealthy food, including UPF. Authority is defined as a social relationship and an ability to induce submission

and recognition by other actors³⁴. Therefore, examining authority is a useful way of understanding why certain actors have influence in food marketing regulation because submission and recognition that are associated with authority confer power.

In Australia, where the study is based, the political and institutional contexts for regulating the different forms of marketing are complex and fragmented. It comprises different levels of government (Australia is a federated system of government involving the Commonwealth and eight States/Territories), regulatory agencies and industry bodies. The regulation of broadcast media is delegated to the Australian Media and Communications Authority (ACMA) by the Commonwealth Department of Communications under the Broadcasting Services Act of 1992. ACMA's mandate relates primarily to broadcast media through the Children's Television Standards 2009 (CTS), which applies to commercial television broadcasters. The rules on food marketing are principally in self-regulatory industry codes of practice developed by the Australian Association of National Advertisers (AANA), and the complaint resolution process is managed by Ad Standards, a company owned by the AANA. The AANA is the peak body for advertisers and developed the AANA Food and Beverages Advertising and Marketing Communications Code and the AANA Code for Marketing and Advertising Communications to Children. AANA codes apply to marketing across all media, including online. There are also voluntary codes from the Outdoor Media Association (OMA), a peak body that represents Australia's outdoor media companies. The AANA and OMA are the two key industry bodies in the Australian food marketing regulatory system. The regulation of food marketing in public spaces such as billboards, schools, sports centres and hospitals is the responsibility of State/Territory governments and is under the jurisdiction of the departments or institutions that own those spaces.

The intention of this analysis is to deepen the understanding of strategies that can be used by health and public interest actors in Australia and elsewhere to advance the development of a comprehensive health-promoting food marketing policy agenda.

Theoretical framework

In this analysis, we aim to identify the diverse sources and assertions of authority made by different actors with regard to the governance of policy that restricts the marketing of UPF. We adopted a broad definition of governance as “a system of values, policies and institutions by which society manages economic, political and social affairs through interactions within and among the state, civil society and private sector”³⁵. According to Avant et al. (2010), in order to effect policy change, state, civil society and private sector actors (referred to as governors) must have authority to exert influence over other actors and processes³⁴. Legitimacy is central to the assertions of authority, and from this perspective, examining the assertion of authority by different actors offers a pathway to gaining an understanding of how actors get to be influential. Avant and colleagues’ typology identifies five sources of authority that actors draw on to demonstrate their legitimacy and exert influence: First, *institutional authority* is derived from holding a position of influence in established organisations; this authority is defined and limited by the institutional rules and mandates³⁴. Second, *delegated authority* is a type of authority that reflects the transfer of responsibilities by states or sub-states to non-state actors³⁴. Third, *expert authority* is based on having specialised knowledge³⁴. Fourth, *principled authority* is rooted in the actors’ set of morals or values, and fifth, *capacity-based authority* reflects the actor’s effectiveness and competence to deliver results³⁴.

Methods

We conducted a qualitative research study using semi-structured interviews with government, industry, civil society and technical experts who are involved in the regulation of food and beverage marketing in Australia across federal and state/territory levels. The selection of participants was initially based on a mapping exercise to identify the different organisations that are involved in food marketing policies. We then obtained names and contact details from the websites of relevant organisations. For the technical experts, we considered individuals who work in academia and have published on food marketing and food marketing regulation in Australia. Civil society actors were non-profit organisations that are involved in nutrition policy. Other actors and institutions were recruited through snowballing. The interviews were conducted between June 2020 and January 2021. Participation was voluntary, and ethics approval was obtained from the institution's ethics committee (2019/222).

Recruitment and interviews were continued until saturation was reached, which was indicated by regularly securing similar responses from the participants^{36,37}. In total, we interviewed $N=24$ policy actors, who are categorised into government departments, statutory agencies, civil society, technical experts, and industry. The characteristics of the interviewees are presented in table 1.

Table 1: List of stakeholders who were interviewed

Actor group and subgroup	Participants
Government (GO)	
- Federal Health	2
- State Health	5
- Statutory bodies (health promotion agencies)	2
- Sports	1
- Media (written response)	1
Industry	
- Food and beverages Industry	2
- Media and Advertising Industry	2
Civil society (CV)	
- Health	2
- Media	1
Technical expert (TE)	5
Politician	1
Total	24

The interview guide was based on three lines of enquiry that were core to the overall project: (i). who is involved in the governance system related to food marketing policies in Australia, (ii) How are they governing? (iii). what could good governance for nutrition look like? The interviewees were not explicitly asked about conceptions of authority but were asked about their interests, roles and the strategies they used to advance their interests, which the researchers interpreted and presented below according to Avant's typology of authorities. In our analysis, we also interpreted how authority was asserted in written correspondence from two actors who opted to explain their roles in food marketing policies instead of doing the interview.

All interviews were recorded and transcribed verbatim and uploaded onto NVIVO. In order to protect the participants' anonymity, the names of the respondents were removed from the transcripts and replaced with a code. The data were analysed thematically within NVIVO using a combination of deductive and inductive analysis³⁸. First, we coded the data based on three

overarching study questions that informed the interview guide ((i). who is involved in the governance system related to food marketing policies in Australia, (ii). How are they governing? (iii). what could good governance for nutrition look like?). Five transcripts were read by a research team, which consisted of four chief investigators and three early career researchers with expertise in food policy, to identify the initial codes. One researcher then coded the rest of the interviews (YN), adding codes as they emerged and getting feedback from the team. Additionally, five transcripts were randomly selected to be re-coded by one of the chief investigators (CH). Disagreements between the two researchers were addressed within the research team. Once the initial coding was done, we focused on examining who is involved in the governance of food marketing policy in Australia and used the typology of authorities to interpret the data and present the findings.

Results

We identified five types of authority in the interview data. There were differences in both the frequency and the way these authorities were asserted by industry, government, technical experts and civil society actors. We identified three broad themes of authority assertion: claimed authority, circumscribed authority, and contestation or affirmation of authority by other actors. For the purpose of this analysis, claimed authority entailed authority assertions made by actors on a particular type of authority. Circumscribed authority entailed all assertions of limited or restricted authority. Contestations or disputes of authority relate to how actors dispute, recognise or perceive other actors' authorities. Below we discuss each type of authority and how it was asserted using these themes.

Institutional authority

Institutional authority is derived from holding a position of influence in an established organisation (Avant et al., 2010). In this analysis, we find that institutional authority transpired primarily in relation to actors that have a formal mandate to regulate food marketing. The actors claiming this type of authority include the Australian Communications and Media Authority (ACMA), the Australian National Association of Advertisers (AANA), the Outdoor Media Association (OMA) and the departments of health in the different states and territories.

At the federal government level, the ACMA claimed circumscribed authority. The ACMA only claimed institutional authority over the Children's Television Standards and claimed circumscribed institutional authority over other forms of marketing, such as digital media. While the Broadcasting Act under the co-regulation system affords ACMA institutional authority to oversee the AANA, the ACMA perceives its role as limited.

“The ACMA’s role in overseeing aspects of advertising regulation relates primarily to broadcasting. The ACMA has a limited role in regulating food advertising through the Children’s Television Standards 2009 (CTS), which applies to commercial television broadcasters” **Federal government actor.**

Such claims of circumscribed authority in regulating food marketing were also observed with other federal government actors. Officials in the federal department of health also perceived their institutional authority as limited and shifted responsibility to ACMA and the AANA. The interviewees mentioned that the Australian food regulatory system does not regulate food advertising, but this sits with the department of communications.

"So we don't regulate food marketing. So, we have a role in food regulation. That is our big focus." **Federal Department of Health**

“So we would be involved in supporting the development and the policy inputs and some of the intelligence on how we would classify different foods, but we don't have a role in implementing it” – **Federal Department of Health.**

The institutional authority of the AANA over food marketing policy was dominant and legitimised by the federal government and other industry actors. Federal government actors such as the national department of health and ACMA affirmed the institutional authority of AANA. Similarly, industry actors such as the Australian food and grocery council, Australian Beverages Council and the OMA recognised the institutional authority of the AANA.

"The AANA carries out the review process and consults with stakeholders through that process. We contribute our expertise and our understanding of the advertising and marketing framework through detailed submissions to the AANA, and we support that process as the most effective way to essentially self-regulate advertising and marketing activity in Australia" **Beverages industry actor.**

There were claims of institutional authority by the state/territory governments' departments of health, this claim of institutional authority was mainly over marketing in properties that are owned by the department of health. The state/territory governments department of health claimed circumscribed institutional authority over regulating state public spaces that are not owned by the department of health.

"It's a discussion that we would contribute to, definitely, because we'd be flying the health benefits flag. But we cannot make it happen. We do not own assets advertising" **department of health actor.**

Delegated authority

Delegated authority is derived from delegation by states or sub-states to non-state actors. Delegated authority was claimed by the AANA, which is delegated by the Australian Communications and Media Authority (ACMA) to administer the self-regulation code of advertising.

"The rules about food advertising are principally in self-regulatory industry codes of practice developed by the Australian Association of National Advertisers (AANA) and administered by Ad Standards. Television broadcasting codes of practice

registered by the ACMA also include an expectation that advertisers will ensure compliance with the self-regulatory codes developed by the AANA” **Federal government official.**

This delegation of authority to the AANA was contested by government actors (state/territory department of health actors), civil society and technical experts. The main contentions were that self-regulation is inadequate and public health protection should not be left to the industry.

"The issue with ACMA is, we're talking about a code that is non-binding, and that is where there's self-regulation. And, whenever you have self-regulation, what that often code is for is regulation that's in the interests of those bodies that are being regulated” **State department of health official.**

“We don’t think it’s appropriate to have these industry codes anyway. We want regulation” **Civil Society actor.**

“The fact that so much of this is left up to the industry itself, and they have just shown that they are interested in finding any possible way of not applying regulations to advertising, rather than the regulations themselves. The codes are very weak, very full of holes, and that is not going to change” **Civil society actor.**

“The whole phenomenon of industry self-regulatory codes, you know, fox guarding the hen house, type thing” **Technical Expert actor.**

The delegated authority of the AANA over the regulation of marketing was recognised and accepted by other industry actors who also support self-regulation.

“We contribute our expertise and our understanding of the advertising and marketing framework through detailed submissions to the AANA, and we support that process as the most effective way to essentially self-regulate advertising and marketing activity in Australia” **Beverages Industry actor.**

“I think it makes sense that AANA is a peak body representing advertisers, and it makes sense that the AFGC’s code fell under their governance, I think” – **Food Industry actor.**

Expert authority

In the Australian food marketing regulation system, expert authority was exerted through the provision of evidence on the effects of unhealthy food marketing on obesity, the effectiveness of self-regulation approaches, and expertise on what criteria should be used to classify foods

that can or cannot be advertised. The actors that claimed expert authority over these issues include federal and state-level government departments of health, technical experts and civil society.

The expert authority claimed by government actors (federal and state/territory governments) relates mainly to the setting of nutrient criteria on the types of foods that should be subject to the regulations and providing advice to departments that have the mandate to regulate food marketing.

“So we certainly set the guidelines and tried to write the policy, yeah, and what it’s going to look like” **State government actor.**

“So we would be involved in supporting the development and the policy inputs and some of the intelligence on how we would classify different foods, but we don't have a role in implementing it” **Federal government actor.**

Expert authority was also claimed by technical experts and civil society actors over the evidence of the negative effects of food marketing to children. This authority was exercised through policy submissions, government briefing and lobbying, and collaborations with civil society.

"So, we've been doing this, kind of, research for a long time and using media advocacy to get our results out there, and we have had some more direct appeals to parliamentarians, but usually that would be through PHAA or I spent a bit of time working with Cancer – like, I worked at Cancer Council New South Wales for a number of years, and we would go through the advocacy team there to share messages when they're more broadly lobbying MPs in Canberra" **Technical expert.**

While these actors claimed expert authority, they also acknowledged the limitations of evidence in relation to the effects of food marketing on eating behaviours in a way that can get political attention. Some technical experts argued that there is enough evidence on the harms of unhealthy food marketing to justify regulation, while others suggested that there should be more evidence is needed to link unhealthy food advertising to weight outcomes.

“We’ve done experimental survey work, etcetera, with kids to say marketing does impact on their choices and consumption, and that’s really important, but what is it going to take to get it over the line, almost, and its political will” **Technical expert.**

"So our measurement techniques are still reasonably rough. So I come from a consumer research background. And the subconscious aspect of marketing is huge, but we really don't yet have any ways of tapping into that. So even MRI technology is very blunt" **Technical expert.**

"So, that's why we really have done all that research, but still – and internationally, there is more and more research to show that it [food marketing] impacts on diets. Not so much evidence around the weight outcomes” **Technical expert**

Industry actors claimed expert authority in relation to the effectiveness of self-regulation as an approach to food marketing regulation and challenged evidence on the link between marketing and obesity.

“Self-regulation is often the better way to go. It is often well-adopted by the industry; there's evidence that it works well” **Food industry actor.**

“There's not necessarily any research to show that advertising is a major cause of obesity. So we support measures that actually work (referring to self-regulation)”- **Advertising industry actor.**

While industry actors recognised the expert authority of government and public health experts when it comes to classifying foods, they still contested and criticised classification approaches such as the health star rating and NOVA classification.

"But the funny thing with the Health Star Rating is that it's not understood by consumers. So the Health Star Rating compares apples with apples and oranges with oranges" - **Advertising industry actor.**

“I think that there is certainly a lot of literature around the concept of ultra-processed foods and NOVA classification, but it's based on observational studies, and it's not a causative link” **Media actor.**

"We realise for us to be able to regulate advertising, it really helps if we've got a government guideline that we can point to that helps us determine what is healthy, what is not healthy. So we will probably get involved if we're allowed, but I do not know whether the industry will be allowed into the review of the Australian Dietary Guidelines" **Advertising industry actor.**

Capacity based authority

According to Avant et al., capacity-based authority is derived from an actor's effectiveness and competence in delivering results. This type of authority was attributed and asserted differently across actors depending on their roles. Industry, specifically the AANA and OMA, claimed capacity-based authority claims in relation to the efficacy of self-regulation. This was supported by other industry actors (Australian Food and Grocery Council and Australian Beverages Council) who perceive the AANA to be having more capacity to regulate food marketing. Industry actors referred to the perceived flexibility of the self-regulation approach and rigour of the AANA processes.

“..Because the AANA is made up of advertisers as members, if they set a policy or see something that needs to happen, they can do that straightaway” **Media actor.**

"The important thing to mention is that the framework that the AANA administers is ultimately overseen by a rigorous complaints process. If individuals or companies, mainly individuals, have issues with the nature of advertising and marketing, then they can raise a dispute through the AANA, which is considered by the community panel" **Beverages industry actor.**

Industry actors questioned the capacity-based authority of governments to adequately regulate marketing to children, especially in relation to setting criteria for the foods that can or cannot be advertised, the red tape around the regulatory processes of the Australian Competition and Consumer Commission (ACCC).

But the thing with the Australian Consumer Law is that often the ACCC, and relevant state agencies, they will take action. They will need to see some form of consumer detriment or some large scale campaign. Whereas our code will apply – we only need one complaint about an ad to be looked at by the community panel- **Advertising industry actor.**

The capacity of governments to adequately regulate food marketing was also questioned by the technical experts in relation to resources. One technical expert mentioned recent job cuts compromised the capacity of governments to regulate food marketing. Some state departments of health also acknowledged the limitations in the capacity due to a lack of resources.

“And all of our people are qualified in public health, but I only now have a very small, very small group of one, of nutrition expertise, but to focus on food marketing policy because most of that has shifted slightly outside to the new agency” **State government actor.**

Capacity based authority was also claimed by civil society actors in relation to their role in generating evidence for advocacy and monitoring and raising complaints about unhealthy food advertisements. One actor noted how their organisation had developed a platform that has a best practice for regulating marketing in Australia.

“So it’s (referring to the unhealthy food marketing platform) really a comprehensive approach to protect children from the marketing of unhealthy food where we define what is an unhealthy food, what’s a child, what’s a food brand and then we’ve got a whole lot of, you know, organisations to endorse it” **Civil Society actor.**

Principled authority

Principled authority, which is derived from the actor's set of moral values and ethics, was invoked by both the Outdoor Media Association and AANA to legitimise their involvement in policy development. The industry actors emphasised the importance of community and community values in determining what should be marketed.

"So when we are setting self-regulatory policies, what we want to do is respond to community expectations, so what does the community think is reasonable to be shown in a public space, because as outdoor advertisers, you have a responsibility to meet those expectations" **Media Industry actor.**

“ I think that it is always important to review the current codes, to do them regularly, which was done, as I say, just recently by AANA to make sure that the codes do reflect community values and attitudes” **Food Industry actor.**

Principled authority was also claimed by civil society actors in relation to community respect and recognition, as well as their role in advocating independently as an organisation. One civil society actor mentioned that they do not work with the food industry in principle.

“Because we have a community of people who respect us because of what we do, and so we have always prioritised our role as being advocating independently” **Civil Society Actor**

Discussion

This analysis of actors' interview data related to food marketing policy identified delegated institutional, expert, capacity-based and principled authority as diverse sources of authority exercised by government, industry, technical experts and civil society actors. Claims to and assertions of authority by the actors interviewed reflect the fragmented nature of the Australian food marketing regulatory system. There were key differences in how actors claim and recognise authority between different levels of government (federal and state governments); between industry and government actors, and between sectors (health, food, and marketing). The assertions of these authorities observed in this study reflect three major themes (i). Claims of authority (ii). Circumscribed authority and (iii). Contestations/recognition of the authority of other actors. In this section, we discuss these themes, reflecting on the different ways they transpire across different actors and authority types as well as implications for governance of UPF marketing policies.

With regard to claims of authority, industry actors invoke more authority types than other actors in food marketing policy – institutional, delegated, capacity-based and principled authority. Authority enables actors to exert influence in governance³⁴; the patterns of authority claims observed here suggest that the food, media and advertising industries have multiple pathways to exert influence in the food marketing policy regulation system. While claims of expert authority are common by civil society, technical experts and department of health actors in relation to setting criteria and generating evidence on food marketing and obesity, some technical experts argue that the evidence that is produced does not always get the policymakers to listen to the public health actors. Evidence contributes to issues gaining political priority³⁹ and is highly contested by industry in the food marketing policy domain. Industry claims to authority are unified; they all refer to one other in the interviews and agree on delegation of

authority to the AANA, the institutional authority of AANA and the superiority of self-regulation. In contrast, while civil society actors and technical experts claim and affirm their expert authority, there are disagreements about the type of evidence needed to get political support and the capacity of existing research methods to produce that research. Cohesion is crucial for influencing the policy agenda as they amplify and legitimise the message of the policy actors^{39,40}. These interviews show that industry claims to authority are more amplified and legitimised by other industry actors and federal government actors than civil society, technical experts and state/territory level government actors.

The second theme that emerges is circumscribed authority, which is observed in both institutional and expert authority. First, we observed circumscribed institutional authority. This was common among federal government actors such as the Department of Health, Australian Media and Communications Authority (ACMA) and Food Standards Australia New Zealand. According to Avant et al. (2010), the exercise of institutional authority occurs in the context of institutional rules and mandates. From this perspective co-regulatory approach that underpins food marketing regulation in Australia enables actors like ACMA to claim circumscribed institutional authority³⁴. For co-regulation to work, there must be mechanisms to ensure accountability of public and private actors in case of regulatory failure. Regulation scholars suggest that government actors can be held accountable by laws and regulations while industry actors can be held accountable by governments and civil society actors⁴¹. By claiming circumscribed institutional authority, ACMA and the federal department of health, in essence, evade accountability for the failure of the current regulatory system. The apparent reluctance of federal actors to take action in the regulation of marketing is mirrored in the regulation of alcohol marketing, which remains governed under self-regulation⁴². Unlike civil society actors who contest the institutional authority of the industry, the federal public health actors affirm

the institutional authority of the AANA. While it is beyond this paper to examine the reasons behind this observation, we posit that it may be related to the alignment of interests between federal government actors and market actors and the dominance of private interests in food marketing regulations. First, with regard to alignment of interests, studies elsewhere suggest the ideology of the government that is in charge plays a role in claims and attribution of authority and subsequently who has power in the policy system⁴³. In a neoliberal policy paradigm, government policy choices will be aligned with commercial actors. Second, studies of power in the field of commercial determinants of health such as UPF, alcohol and tobacco have found that commercial actors are highly influential over policy and regulation⁴⁴⁻⁴⁶, and their market dominance can constrain the capacity of government actors to implement public health policies^{47,48}.

The third theme from the data relates to the contestation of authority. Contestations are primarily observed in institutional authority, expert authority and capacity-based authority. Civil society actors challenge the delegated and institutional authority of industry actors. According to Avant et al. (2010), contestations of authority challenge the legitimacy of the governing entities and provide opportunities for change³⁴. The industry actors' contestations of capacity-based authority in relation to the government's capability to adequately regulate food marketing again reflect the industry's interest in keeping self-regulation as an approach. Interestingly, none of the federal government actors claims capacity-based authority or contest self-regulation as an approach, which again reflects some kind of alignment between federal government policy actors and industry actors. This alignment is congruent with the notion that industry-oriented policy paradigms also shape governments' policy approaches in the regulation of food, tobacco and alcohol^{47,48}.

While industry actors claim limited knowledge in relation to the criteria for setting policy parameters, they also contest the expertise of the government in choosing the appropriate

nutrient criteria and evidence on the impact of UPF consumption on health. Despite these contestations, industry actors still emphasise the use of government-set nutrient standards as a positive feature of industry policies, thus using government standards to legitimise the voluntary codes. The criteria for determining which food should be advertised or not is highly contentious and generates debate in nutrition policy, including food marketing^{2,49,50}. We argue that the dynamic way industry actors exert expert authority enables the industry to participate in this debate. According to Clapp and Scrinis, participating in and shaping debates is one of the strategies employed by the commercial actors to influence nutrition policy and is enabled by the economic dominance²⁵.

Policy implications

This inquiry on authorities expands the understanding of the governance of food marketing policies in Australia. While Australia is the focus of analysis, the findings are relevant in many jurisdictions where the governance of food marketing policies is also challenging and can contribute to the uptake of WHO recommendations regarding marketing restrictions^{1,2,21}. The analysis can be used to assess current and inform future strategies among health, nutrition and public interest actors. For example, public health actors could review whether asserting their institutional and expert authority in the food marketing domain is or is not effective for asserting greater legitimacy as actors in shaping food marketing policy. Ultimately, what is needed to advance greater coherence between the actions of marketing and health departments is a disruption of the dominant assumptions in marketing policymaking so as to enable greater attention to nutrition and public health objectives. Exploring how health advocates can establish their authority in a “non-health” policy domain may positively contribute to this agenda. Second, the claims of limited institutional authority by key federal actors highlight

challenges with the co-regulation approach and highlight a need for a more invigorated role of government in the regulation of food marketing. This can be achieved in two ways; first, by increasing oversight by public governance actors through clear mandates and accountability mechanisms such as threats of regulation^{41,51}. For example, while it has its own challenges, the co-regulation of television advertising in the United Kingdom (UK) demonstrates a co-regulatory approach in which the government plays a more active role. For example, while it has its own significant challenges, the co-regulation of television advertising in the United Kingdom (UK) demonstrates an approach in which the government plays a more active role. The government of the United Kingdom mandated the office of communication (Ofcom) to regulate marketing, and, unlike ACMA, Ofcom oversees mandatory codes and informs the content of the codes^{2,52}. Secondly, by instituting a government-led statutory approach that does not include sharing responsibilities with the industry bodies. Evidence from Chile demonstrates that government-led statutory regulation in which the government is responsible for designing, monitoring and enforcing regulation is effective in reducing the exposure of children to unhealthy food marketing^{1,53}.

Limitations and directions for future research

While this exploration of the uses of authority brings novel knowledge to the understanding of the governance challenges pertaining to the governance of food marketing policies, the study was subject to some limitations. First, the analysis was based on the research teams' interpretation of the interviewed stakeholders' responses to various questions about the governance of food marketing policies. While these interpretations may be subject to the researchers' disciplinary biases, data analysis involved an interdisciplinary research team that approached the analysis from multiple perspectives. Secondly, this study is limited to describing the uses of authority by different actors but does not extensively examine how different institutional processes and power enable these actors to assert these authorities.

Further research on institutional process and power is needed to identify pathways for effecting change to improve the governance of food marketing policies. Lastly, public health actors were more responsive to the call for interviews because they dominate this space; there is, therefore, an overrepresentation of public health stakeholders. It is important to acknowledge that interviewing more people outside public health could enhance the perspectives and the understanding of authority and governance.

Conclusion

Technical experts, governments, civil society and industry actors hold and assert different types of authority to influence the regulation of food marketing. Industry actors claim more types of authority compared to technical experts, civil society and government actors. These mutually reinforcing sources of authority afford the industry greater legitimacy and hence influence the policy process. To improve population nutrition, there is a need for socially-oriented civil society, technical experts, government actors and regulatory agencies to increase their sources and assertion of authority to enhance influence in food marketing policy development and implementation.

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Credit Author Statement

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SP contributed to the formal analysis, writing- original draft, writing, review and editing

CHS applied for research funds contributed to the formal analysis, writing- original draft, writing, and review and editing

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