



The influence of the sugar-sweetened beverage industry on public policies in Mexico

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Abstract

Objective The objective of this study was to map and describe the different corporate political activity (CPA) strategies used by the sugar-sweetened beverage (SSB) industry to influence public health policymaking geared toward decreasing the consumption of SSB in Mexico.

Methods We applied an existing approach to identify and monitor the CPA of the SSB industry. A documentary analysis was conducted for two main actors in the SSB industry, for the period 2017–2019, and was triangulated with eleven semi-structured interviews with key informants in public health nutrition and from the SSB industry. The information was analyzed using an existing framework for categorizing the CPA.

Results Although data were found for six CPA strategies, the SSB industry mainly highlighted its economic importance and spoke openly against the 2014 SSB tax. We documented the industry's relationships with governmental bodies and civil society actors to promote corporate social responsibility and gain public support.

Conclusions The SSB industry in Mexico uses a variety of strategies, directly or through third parties, to influence public policies related to the prevention and control of obesity and non-communicable diseases.

Keywords Soft drink industry · Health policy · Corporate political activity · Non-communicable diseases

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Introduction

Extensive evidence exists at the global level regarding the relationship between the consumption of food products high in sugar, fat, and sodium, and non-communicable diseases (NCDs) such as diabetes and some types of cancer, among others (Braverman-Bronstein et al. 2019). Latin

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America is particularly affected by a high prevalence of NCDs associated with the consumption of ultra-processed products (Popkin 2004; PAHO 2015)

Public policies have been implemented to reduce the consumption of such products and to prevent and control obesity and NCDs. Some examples are: increased taxes on sugar-sweetened beverage (SSB); front-of-package labeling; regulation of food marketing targeted to children; and school food guidelines and physical activity programs (Popkin 2013). Nevertheless, developing and implementing these policies has been a challenging task for many countries, due to the influence of the food and beverage industry (Popkin 2013). The tactics of the food and beverage industry, to affect or influence public health policymaking, research and practice, are similar to those used by the tobacco and alcohol industry (Moodie et al. 2013; Ulu-canlar et al. 2016; Mialon et al. 2015; Madureira Lima and Galea 2018; Hawkins and McCambridge 2014). It has been widely documented that the tobacco and food industries have a negative influence on public health (Brownell and Warner 2009).

Mialon et al. (2015) proposed a framework for classifying what is called the corporate political activity (CPA) of the food industry, based on existing knowledge of the CPA of tobacco and other industries. The framework identified six broad CPA strategies that could influence (or have the power to affect) the development of public health interventions, directly or indirectly, and include: information and messaging; financial incentive; constituency building; legal; policy substitution; fragmenting and destabilizing the opposition. These strategies have been used by corporations to protect their commercial interests, increase their financial gain, and influence public policies, which could block public health efforts to manage the growing epidemic of obesity and NCDs (Hastings 2012; Barquera et al. 2018; Moscetti and Taylor 2018).

There is evidence of the use of CPA strategies by the food industry in France, Fiji, Australia, Thailand, and Latin America (Mialon and Mialon 2017; Mialon and Mialon 2018; Mialon et al. 2016a, b; Mialon et al. 2017; Jaichuen et al. 2018; Mialon and Gomes 2019). In these cases, the industry has funded research, promoted deregulation, established alliances with the media and decision-makers, among other practices, which could delay the development of public health policies. In Mexico, the food and SSB industry has used some of these practices to oppose public health initiatives (Charvel et al. 2015; Barquera et al. 2013; Barquera et al. 2018; Scott et al. 2016).

However, little is known about the influence of the food and SSB industry on the formulation and implementation of public policies and its CPA in Latin America, particularly in Mexico (Gómez 2019; Mialon and Gomes 2019; Carriedo 2017; Barquera et al. 2018).

This study aims to map and describe the different CPA strategies used by the SSB industry to influence public health policymaking geared toward decreasing the consumption of SSB in Mexico.

Methods

We applied an analytical approach and methodology to systematically identify and monitor the food industry's CPA, developed by INFORMAS, the International Network for Food and Obesity/Non-Communicable Diseases Research, Monitoring and Action Support (Mialon et al. 2015). This approach and the CPA categorization are based on ample evidence from the CPA of the tobacco, alcohol, and food industries, to influence public health policy, research and practice, and have been implemented in different studies of the food industry's CPA.

A documentary analysis was carried out by the research group for two major actors of the SSB industry in Mexico that are also considered part of the "food industry" actors. These data were triangulated with eleven semi-structured interviews with key informants.

We selected the two key players in the Mexican SSB market, in consultation with public health experts and as identified by different research and media outlets (Calvillo and Székely 2018; Donaldson 2015; Carriedo 2017). Coca-Cola (Industria Mexicana de Coca-Cola) is a transnational company that produces, imports, and commercializes SSB (among other products) in Mexico. It is the largest distributor of SSB in the country. The National Association of Soft Drinks and Carbonated Water Producers (ANPRAC, Spanish acronym) is a trade association with 99 members from the beverage industry in Mexico.

As recommended by INFORMAS, we identified publicly available information (see Online Resource), including the Web pages and Twitter accounts of the selected industry actors. In addition, we collected information from the Web pages of the Mexican government, the Senate of the Republic, and the Chamber of Deputies. We searched for news articles in two newspapers with national circulation. All data were published between January 2017 and May 2019 and were all collected between March and May 2019.

For the interviews, the research group, after consultation with experts and other researchers, identified key organizations and people who have participated in public health policymaking, as well as representatives of the private sector. Other individuals were identified using the snowball sampling method. The first author conducted eleven semi-structured interviews between April and May 2019. Three interviewees included representatives of non-governmental organizations (NGOs) working on the prevention of NCDs;

three were representatives of the SSB industry; one was a political adviser; three were academics; and one was a legislator. An interview guide was developed and piloted once.

We sent invitations by e-mail and scheduled interviews with those who agreed to participate. Three of the interviews were done over the phone and the rest face-to-face. All participants signed a letter of informed consent to participate, and to have the session audio-recorded, guaranteeing the confidentiality and ethical use of the data. The study protocol was approved by the Ethics in Research Committee of the National Institute of Public Health of Mexico, on March 11, 2019 (approval number S46).

For both the documentary analysis and interviews, we conducted a thematic analysis, based on the CPA framework proposed by Mialon et al. (2015). Disagreement on codification was resolved through discussion within the research group. All data were collected in Spanish by a native speaker, and illustrative examples have been translated into English in this manuscript.

Results

The results are presented thematically according to the six CPA strategies of the food industry. Throughout the analysis, these categories were found not to be mutually exclusive, as explained in the approach proposed by Mialon et al. (2015). We have allocated a code starting with a letter A (for ANPRAC) or C (for Cola-Cola) to the industry material presented in this publication (Online Resource).

Strategy one: information and messaging

Lobby

NGO representatives and academics mentioned that lobbying is a regular practice carried out by employees from the SSB industry and other representatives, such as Chambers of Commerce or trade associations. Informants from the SSB industry corroborated the support of associations for this practice.

The documentary analysis confirmed that ANPRAC members were registered in 2019 as lobbyists, both at the Chamber of Deputies and at the Chamber of Senators at the Congress (A1, A2).

Stress the economic importance of the industry

The SSB industry has highlighted its role in the number of jobs it generates and the sector's economic contribution, not only directly but also through the support to other industries along their supply chain. The SSB industry also

highlighted its role as a contribution to the national Gross Domestic Product (GDP). Coca-Cola reported generating 1.4% of the national GDP and more than 98,000 direct jobs, along with more than a million indirect ones, through the operation of its 67 bottling plants, 350 distribution centers, and 54 wastewater treatment plants (C7).

Promote deregulation

ANPRAC argued that the SSB tax would affect the poorest segment of the population and that it would not achieve a decrease in the consumption of SSB, nor improve health (A11, A15, A30). No evidence of this practice was found for Coca-Cola. The interviewees identified that the SSB industry particularly opposed the tax, pointing to the negative impacts on the economy and on the number of jobs that would be lost. Also, the SSB industry criticized the lack of transparency around the use of the SSB tax revenues for public health actions. An informant from the SSB industry said:

The money raised was not used for the cause for which it was collected (...) It was not even dedicated to water fountains and much less to public health topics in the country.

Frame the debate on diet and public health-related issues

The documentary analysis and the interviews indicated that the SSB industry promoted individual and parent's responsibility for their well-being and individual choices for the selection and consumption of products (A44, C31, C32). The SSB industry also mentioned energy unbalance and sedentary lifestyle as causes of obesity (A40, A57, A58, C31). Moreover, the SSB industry emphasized its interest in being part of the solution to the problem of obesity. For this reason, it promoted its broad product portfolio that includes beverages low in calories or without calories (A47, C26, C31). As part of their actions on corporate social responsibility, both actors promoted physical activity and nutrition education (A39, A90, C33, C34).

Shape the evidence based on diet and public health-related issues

ANPRAC participated in a forum about preventive actions for health and organized an event on obesity and health (A102, A105). Also, ANPRAC funded a research study to disqualify the effect of the SSB tax on SSB sales (A96). Our interviewees mentioned that the funding of studies is a mechanism by which the SSB industry seeks to influence

decision-making. This mechanism was used during the implementation of the SSB tax:

They hired academics: clearly, the studies have their biases, and although some results are similar [to ours], how they present them shows that they are against those taxes. [Academic].

Health campaigns were also sponsored by the SSB industry, for example, through the organization of a “Movement for a Healthy Life” (*MOVISA*, Spanish acronym). Moreover, Coca-Cola and other actors from the SSB industry launched a health promotion campaign in 2017 called “Check and Select.” The campaign aimed at educating the population on the use of front-of-package labeling and was carried out together with the government’s Health Secretariat and the Federal Commission for Protection Against Public Health Risks (*Comisión Federal para la Protección de Riesgos Sanitarios*) (C46).

Strategy two: financial incentives

With the information available online, we did not find any documentation confirming the use of financial incentives, such as the SSB industry donating to political parties or providing gifts to policymakers. Most of the informants stated not having heard about this type of practice, so limited examples were identified here. One representative of an NGO explained that this practice was carried out in Mexico:

Many times [lobbying] comes with gifts, trips, where even a financial incentive is given, or they are invited to the industries, they are shown around, invited to breakfasts.

Strategy three: constituency building

Establish relationships with key opinion leaders and health organizations

Coca-Cola, together with the Mexico City government and the Sports Institute (*Instituto del Deporte*), organized the 2018 Powerade Mexico City Triathlon (C63). It also established links with the Interior Ministry (*Secretaría de Gobernación*) for the project “Sports Glories, Football School of Life” and with the Mexican Red Cross, through nutrition workshops for health professionals (C60). We found that *The Coca-Cola Foundation* donated a million US dollars to the Mexican Red Cross for a health unit and a nursing school and made donations for humanitarian aid after the 2017 earthquake in Mexico (C61, C62). Coca-Cola presented in 2019 the beverage “ISOLITE” as the official beverage of the Red Cross (C58, C59).

The Mexican Federation of Diabetes endorsed a book on hydration from Coca Cola (C55) and was financed by companies from the food and SSB industry. Sometimes, this association had its opinion aligned with those companies on health-related topics and promoted their products.

Seek involvement in the community

Seeking involvement in the community is one of the most noteworthy practices developed by the SSB industry in Mexico. In general, this practice appeared through what is called “corporate social responsibility,” and it is carried out through third parties, such as foundations, civil society organizations, or government actors. Some examples are presented in Table 1. A recurrent practice of the SSB industry is to point to their actions to protect the environment. For some interviewees, the environmental initiatives are merely emerging because of the criticism directed at the SSB industry for its contribution to plastic pollution and their seizing of water in certain zones in the country, in part due to the production of their beverages.

Representatives of the SSB industry declared supporting social causes through monetary or in-kind donations. A participant from the SSB industry described the situation as follows:

If you approach the industry to present a social project or something to them, they will probably support you. Of course: part of the sponsorship for us is the presence of our brand.

Establish relationships with policymakers

An important mechanism in the establishment of relationships with policymakers is called “revolving doors,” where ex-representatives of the industry work for the government or vice versa. An interviewee from an NGO mentioned the case of an *ANPRAC* employee who used to be a member of Congress in 2018.

Several informants stated that the Mexican Observatory of Non-Transmissible Diseases (*OMENT*, Spanish acronym), a body established by the Ministry of Health to monitor and evaluate the obesity policy, had significant participation of SSB industry representatives in their working groups, as also reported by Barquera et al. (2018) and Calvillo and Székely (2018). Interviewees perceived more relationships and openness between the SSB industry and decision-makers during the 2012–2018 presidential period than the current government; nevertheless, these relationships seemed to continue. An NGO representative stated:

Table 1 Examples of the practice “seek involvement in the community” of the sugar-sweetened beverage industry in Mexico 2017–2019

“The companies that are part of the National Association of Soft Drinks and Carbonated Water Producers (ANPRAC, Spanish acronym) are an example of recycling on a global scale. They have invested in new technologies and built recycling plants, which process 53.9% of the total PET recycling industry in Mexico.” (A115)
“We are a social actor that is committed to the well-being of Mexicans; in the last five years, we have invested more than 730 million pesos in social responsibility programs.” (A121)
“We replenish more than 100% of the water we use in the manufacturing process of our products.” (C156)
“In 10 years, we have managed to reforest more than 63 thousand hectares by planting more than 77 million trees.” (C128)
“The National Program of Reforestation and Water Harvest” (PNRCA, Spanish acronym) was created to return to nature all the water that the Coca-Cola Mexican Industry uses in its products.” (C91)
“In collaboration with the ‘Sustainable Schools’ civil association, we implement the Hydration Centers program in almost 1,500 basic level schools.” (C80)

There is still interference from the industry, but now the channel is not so clear. We believe it is through previously existing connections.

We noted the connections between the SSB industry and key decision-making actors occurring when the SSB tax and front-of-package labeling were discussed in Mexico. Such connections were led by business associations such as ANPRAC, ConMéxico, and CONCAMIN, as mentioned by our interviewees.

Establish relationships with the media

The most explicit relationship between the SSB industry and the media is through payments for advertising on television and newspapers, since this is an important source of income for the media. An NGO representative mentioned that the SSB industry and the media are part of the same business groups in Mexico, such as the Business Coordinating Board (Consejo Coordinador Empresarial).

Our interviewees suggested that these relationships might explain why journalists regularly support the SSB industry’s interests in the content of their publications. An academic said:

[The journalist] is still saying that what is needed is education and all, but he was clearly debating against the tax on soft drinks; he writes for [a national newspaper].

Strategy four: legal strategies

Influence on the development of trade and investment agreements

The only example we found through the interviews of the “influence on the development of trade and investment agreements” CPA practice was the involvement of the SSB industry, together with other allies in the food industry,

during negotiations for the free trade agreement between Mexico, the USA, and Canada (T-MEC) in 2018. They tried to block the implementation of nutrition warning labels on foods and beverages. An academic stated about this event:

We know that ConMéxico was sending information to the US. during the negotiations [of the free trade agreement, now T-MEC]; they sent a proposal for a clause in the treaty so that foods and beverages could not be labeled.

Strategy five: policy substitution

Two cases of policy substitution by the SSB industry were found in the documentary analysis and the interviews: the Code for the Self-Regulation of Advertising of Foods and Non-Alcoholic Beverages, targeting children (C161), designed by the food industry in 2009; and the implementation of the nutrition front-of-package labeling based on the Guideline Daily Amounts model, also developed by the food industry. Coca-Cola reported being the first SSB industry to voluntarily implement this label in 2010 (C162).

Interviewees mentioned that since the implementation of the front-of-pack labeling, the restrictions on advertising food to children, and the SSB tax in 2014, the SSB industry changed the sizes of its SSB, to counteract the effects of these policies. The SSB industry has emphasized the fact that it has reformulated its products and diversified its offer of beverages, including products with lower sugar content, no added sugar, low in calories, light, or “more natural.” These reformulation initiatives could be attempts to substitute mandatory regulation.

Strategy six: fragmentation and destabilization of the opposition

Create multiple voices against the public health measures

Informants identified Queremos Mexicanos Activos (We Want Active Mexicans) and MOVISA as organizations financed by the SSB industry. MOVISA included companies and other organizations from the food and SSB industry and was created by the industry after discussions on SSB tax increases (C164) (C165). These organizations participated in the *OMENT* working groups and focused on the lack of physical activity as a cause of obesity. An NGO representative expressed the following:

The discourse of the representative [from Queremos Mexicanos Activos] was always along the line that Mexicans find excuses to avoid physical activity. They presented it as a theme of individual responsibility or lack of personal interest.

In our interviews, academics and NGO representatives corroborated that the SSB industry had support from Chambers of Commerce, Confederations of Industries, business groups and trade associations, to defend their interests.

They establish alliances, and I think that is when they are the strongest; there is ConMéxico, which involves several soft drink industries, and I think that is where they become more important when they join. [Academic].

Infiltrate, monitor, and distract public health advocates, groups, and organizations

Two people alluded to a case of surveillance in 2016 of activists and advocates for the SSB tax in Mexico; this case was published in *The New York Times* (Perlroth 2017). NGO representatives commented that the SSB industry monitored actors that promoted regulations or measures that could go against its interests. An interviewee from an NGO mentioned that industry lobbyists had attended events organized by NGOs:

[The events] are full of lobbyists from the industry, and on many occasions, what have they done? During or after our event, they give out their own 'policy briefs' to the participants.

This infiltration and monitoring of the activities of public health advocates were one of the most criticized strategies by NGOs representatives and academics in our interviews since it is oriented toward the interests of the industry.

Discussion

The triangulation of documents and interviews showed that the SSB industry primarily used the “information and messaging,” “constituency building,” “fragmentation and destabilization,” and “policy substitution” strategies in Mexico. “Financial incentives” and “legal” strategies were barely mentioned.

In the “information and messaging” strategy, the arguments against the SSB tax were often found in several sources. The emphasis of the industry on the lack of physical activity being the main cause of obesity, while minimizing the contribution of the SSB, was an argument repeatedly found in documents and during the interviews. Another practice employed by the SSB industry was to stress its importance in the economy, emphasizing the number of jobs it generates. The economic importance of the SSB industry also meant that it has economic and, as we demonstrated, political powers.

The strategy “constituency building” was one of the most recurrent. Through this strategy, the SSB industry protected its interests by establishing relationships with decision-makers. The SSB industry also supported diverse organizations and communities, which allows it to improve its image and influence public opinion and decision-makers, as well as to get backing for their opinions on regulatory measures.

The results identified for Coca-Cola in this study coincide with other analyses of the CPA of the company in other studies (Mialon and Gomes 2019; Gómez 2019; Mialon and Mialon 2018; Mialon et al. 2016a, b). The use of the “information and messaging,” “constituency building,” and “policy substitution” strategies by the company, documented in this study, was also reported in a pilot study in 2018/2019 for fifteen countries in Latin America, including Mexico (Mialon and Gomes 2019). This also coincides with the findings of the CPA of Coca-Cola in France, Fiji, and Australia (Mialon and Mialon 2018; Mialon et al. 2016a, b; Mialon et al. 2016a, b). As it has been leaked in the press, the SSB industry has a coordinated strategy to avoid, deflect, and delay regulations that interfere with their commercial interest, and it has been a driving principle of the corporation globally (Pfister 2016).

As our results demonstrated, the SSB industry used CPA strategies to influence the formulation and implementation of public policies, both directly and indirectly. We suggest the continuous monitoring of the SSB industry practices and also the evaluation of government actions, as Nieto et al. (2019) since these public efforts contribute to reduce the prevalence of NCDs.

This study has limitations such as the limited sample of actors, focusing only on two SSB industry actors in

Mexico. We also did not collect historical data, which could have helped us understand the context of the practices described in this manuscript. It is important to note that negotiations are held behind closed doors, often excluding the participation of the academic sector or civil society, which means that we may have missed crucial information in our analysis. Given that interviewees shared examples that were not captured in publicly available documents, we note the need for improving transparency and accountability measures both for the SSB industry and for the government. In particular, transparency tools could be used in policymaking related to the prevention and control of obesity and NCDs in Mexico. The tool proposed by the WHO (2017) for the prevention and management of conflicts of interest in the development of nutrition policies and the implementation of nutrition programs could be used as guidance for the Mexican government, to better prevent any undue influence from the SSB industry. Additionally, the recent efforts of the academic and civil society organizations with the Código Nutricia (Barquera et al. 2020), to improve transparency mechanisms around policymaking and ethical practices among scholars, should be considered as an essential step toward achieving better practices.

The approach to monitoring the CPA of the food industry has been used extensively and supports its strength to identify and categorize industry interference in public health policy, research, and practice. Some actions identified in our research tend to overlap within categories, which illustrate how some activities are simultaneously blended in the process. This makes it difficult to separate one from another. Nevertheless, it provides a better understanding of how the CPA strategies look like in the particular case of the policy formulation and implementation in Mexico. We recognize further in-depth analysis of such CPA to be useful to improve policymaking processes and push back the commercial influence on public health efforts to reduce NCDs. Late during our data analysis, we learned that another, more recent, framework for classifying the CPA of the food industry was developed (Mialon et al. 2018), but this was not adopted in the current study due to time constraints. This framework uses slightly different categories than those presented here and could be used in future studies of the CPA.

The results and lessons learned from this case could contribute to strengthening transparency and accountability mechanisms in public health policymaking, research and practice to reduce the high prevalence of NCDs and obesity and avoid interference of the SSB industry.

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Compliance with ethical standards

Conflict of interest All authors declare no conflict of interest.

Ethical approval “All procedures performed in this study followed the guidance of the Ethics in Research Committee of the National Institute of Public Health, Mexico, and was approved on March 11, 2019, with the ID S46 and with the 1964 Declaration of Helsinki and its later amendments or comparable ethical standards.”

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