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RESEARCH PAPER

# Shaping the discourse: What has the food industry been lobbying for in the Trans Pacific Partnership trade agreement and what are the implications for dietary health?

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## ABSTRACT

The Trans Pacific Partnership agreement (TPP), emblematic of the new generation of free trade agreements, is a regional agreement among 12 Pacific Rim countries. This paper reports on a study into how the food industry has framed issues in an effort to influence the TPP. We undertook a thematic analysis of the issues raised in publicly available submissions by the food industry to the trade negotiating bodies of four TPP countries: Australia, New Zealand, Canada and the United States of America (USA). The food industry is an active player in trade negotiations, mainly through food industry associations and other business associations. The submissions assumed that trade liberalization would result in more exports and investment, as well as raise living standards and benefit the economy and country. There was little mention of food as anything other than a commodity, focusing on types and quantities of food traded and what this meant for revenue generation, with no connection to nutritional health. The TPP could affect food systems and population health in ways that are not readily apparent to governments, policy makers or the public. The written submissions mechanism is one way in which the food industry could have shaped the agreement by framing the issues, influencing the content and direction of the TPP negotiations and agreement itself. If coherence between trade and health goals is to be strengthened, the public health community needs to engage with industry arguments and build a strong counter-argument that gives more prominence to health concerns.

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## Introduction

Emblematic of a new generation of bilateral and regional free trade agreements (FTAs), the Trans Pacific Partnership agreement (TPP) is a recently concluded regional free trade agreement among 12 Pacific Rim countries, whose economies together represent approximately 40% of world gross domestic product (WB, 2015). The TPP is characterized by the wide scope and depth of its liberalization agenda, with provisions that are either new or exceed the commitments in World Trade Organization (WTO) agreements

and other FTAs (Schott, Kotschwar, & Muir, 2013). The TPP has moved beyond removal of WTO tariff barriers to trade, and allows for discrimination between states and contains different tariff schedules, exclusions, implementation periods, rules of origin, and customs procedures (Maur & Chauffour, 2011). These WTO-plus provisions effectively extend the control of investors 'behind-the border' to shape governments' policy, the movement of capital, intellectual property rights beyond the Trade Related Aspects of Intellectual Property Rights agreement, and investment liberalization (Baldwin, 2011).

### **Trade agreements and public health**

In the past decade or so, there has been increasing attention to the health risks from new forms of FTAs and recently the TPP (Friel, Hattersley, & Townsend, 2015). Most health concerns have tended to focus on the protection of multinational intellectual property rights and the implications for access to essential medicines (Lopert & Gleeson, 2013). However, as the scope and depth of trade agreements has expanded, two further areas have been receiving more attention: investment liberalization and trade agreements' reach into 'behind-the-border' issues affecting domestic policy and regulatory regimes; and trade and investment in health-damaging commodities such as tobacco and alcohol (Kelsey, 2012).

Relatively little attention has been given to trade related public health nutrition risks, even though dietary health risk factors are major contributors to the global disease burden (Lim et al., 2012). The evidence that does exist in this area suggests that while improved market access can improve supply for net-food importing countries and increase consumer choices, liberalization has resulted in large increases in imports and domestic production of highly processed foods, which are often high in salt, fat and sugar, thus shaping food preferences and affecting diet-related health (Hawkes, Blouin, Henson, Drager, & Dube, 2010; Thow et al., 2010). The link between trade and diet-related health also comes via greater foreign direct investment and penetration of transnational food corporations (TNCs) (Stuckler & Nestle, 2012; Williams, 2015). Foreign direct investment is a key strategy used by TNCs to extend their supply chains. For example, in Mexico, the North-American FTA enabled significant US agribusiness investment across the whole food supply chain creating challenges for local agriculture production by changing the focus of production from domestic to export cash crop production (Clark, Hawkes, Murphy, Hansen-Kuhn, & Wallinga, 2012). There has also been an emergence of global food manufacturers, processors and retailers such as Nestle, Wal-Mart, Carrefour, and Tesco, who influence eating habits through the products they choose to sell, retail pricing, and the labelling and promotion of particular goods (Dixon, 2004). Recent analysis of the TPP suggests that it will intensify existing trade provisions and unprecedented protections for investors, including food companies, and also increase the privileges of TNCs and potentially reach much further into the regulation of domestic health policy than any previous FTA (Friel et al., 2013; Thow et al., 2015).

### **Influencing the content of trade agreements**

While there has been some risk analyses of trade agreements, including the TPP, and what they mean for public health, little research has been done that aims to understand the factors influencing the actual formulation and scope of trade agreements. Many actors are involved in developing positions for trade agreement negotiations: politicians, policymakers, trade negotiators, community groups and private businesses. There is little analysis of how the different actors lobby, what issues are considered important by them and how they are framed. These have ramifications for the outcome of negotiations and the impact of the trade agreement on public health (Fooks & Gilmore, 2013; Neuwelt, Gleeson, & Mannering, 2015).

There has been no analysis, that we are aware of, which looks at the framing of food-related issues in trade agreements and the implications for diet-related health, even though it is known that corporate food industries in TPP countries are politically active, lobbying governments through many avenues to advance their interests (Schott et al., 2013; Nestle, 2013).

In this paper, we examine how the food industry sought to influence the TPP agreement by analysing publically available written submissions made between 2008 and 2013 to the trade negotiating bodies of four countries involved in the TPP: Australia, New Zealand (NZ), Canada and the United State of America (USA). Our aim was to explore what the food industry has been lobbying for in the TPP, how they defined their interests in the TPP, and how those interests might affect food-related pathways to health. Differences and commonalities in positions between the four countries and the different food industry sectors were explored.

The article begins by describing the major trade themes in the submissions and points of difference or comparability between countries and food industry sectors. It concludes by assessing the way the food industry framed the issues in the TPP negotiations, and what this means for nutrition and health. Since this is the first systematic examination of food industry arguments in the context of regional trade negotiations and their implications for human health, we chose to take a broad-brush approach, analysing submissions from a range of industry sectors and stakeholders. This approach aims to pave the way for more focused analysis of particular industry sub-sectors and stakeholders.

## Methods

Our research question was: How has the food industry framed its ideas and arguments to attempt to influence the TPP negotiations? To answer this, we studied publicly available submissions made by the food industry, food industry associations and business associations to the trade negotiating authorities in Australia, NZ, Canada and the USA.

### *Sampling*

#### *Country selection*

The sample was limited to Australia, NZ, Canada and the USA. These were the TPP countries where there is a strong domestic or transnational food industry, and they participated in a public submissions process. Also for pragmatic purposes the documents were available in English.

#### *Documentary identification*

TPP submissions were accessed by the research team via the public websites of, or direct request to, the designated trade negotiating authorities.<sup>1</sup> The Australian submissions spanned 2008 to 2013 and were made in response to an open-ended call from the government for comment on the ongoing negotiations. Thirteen of the New Zealand submissions were made in 2008 in response to a call from the government for comment on the envisaged expansion of the core group of countries to include the USA. An additional six were made in 2012 in response to a call for comments on the expressions of interest from Japan, Mexico and Canada in joining the TPP negotiations. All 26 Canadian submissions were made between December 2011 and February 2012 in response to a call from the government seeking advice and views on priorities, objectives and concerns with respect to entering the TPP. Canadian submissions were obtained by a project team member through an access to information request, and have not yet been made public. The 156 USA submissions were made from 2008 to 2013 in response to calls for comments on US entry into the negotiations and the subsequent proposed entry of Canada, Mexico and Japan.

A two-step inclusion criterion was then applied to the submissions to extract those pertaining to the food industry.

Step 1: Relevant mention of the TPP (or its precursors) and food, and Submitter classifiable into one of the food industry sectors (Lang, 2003) (see Table 1 for sector classifications). The actions in each sector of the food industry has the potential to influence public health nutrition and hence important to include the submissions relating to producers, manufacturers, processors and retailers.

**Table 1.** TPP submissions by country and food industry sector.

	Australia	New Zealand	Canada	USA	Total
Total submissions	81	68	92	983	1224
Total submissions mentioning food	29	24	32	355	440
Total food industry submissions meeting inclusion criteria	16	19	22	156	217
<i>Food submissions by industry sector</i>					
<i>Production</i>					
Growers, producers, farmers; or manufacturers of agricultural equipment and supplies	4	3	0	7	15
<i>Processing</i>					
Processors, packagers or manufacturers	0	1	1	13	15
<i>Distribution</i>					
Transporters, marketers or distributors of commodities from single or multiple producers	1	0	0	0	1
<i>Retail</i>					
Point of sale to end consumers (e.g. markets, supermarkets, restaurants, mail order)	0	0	0	7	7
<i>Food industry associations</i>					
Associations representing food industry members from any sector or combination of sectors	5	9	22	114	151
<i>Business associations</i>					
Commercial and industry associations that include, but are not restricted to, food industry members	6	6	0	15	28

Note: Food industry classification based on internationally recognized sectors in the food supply chain (see Lang, 2003).

Step 2: Submission from a major food importer or exporter, transnational food corporation, or known food player in the domestic market, or if submission from a business association, association had to include food industry members, and be national or international in coverage.

Major food importers and exporters included agribusinesses, processors, manufacturers and retailers such as ConAgra Foods (USA), YUM! Restaurants International, Fonterra and Walmart. Transnational food corporations included those that operate globally or in multiple regions such as Cargill Incorporated and PepsiCo. Associations included were those deemed important because they were both national in scope and international in focus, seeking either protection from foreign competition or increased market access in other countries, such as the American Sugar Alliance, National Milk Producers Federation and U.S. Dairy Export Council, Sugar Australia and Food Processors of Canada. The full list of submissions can be provided on request to authors.

A unifying feature of the range of submissions included was that the submitter was involved or associated with the large-scale production, manufacturing, processing, distribution, or promotion of food domestically and/or to international markets. These included federations, groups and associations whose membership contained entities involved in the production and sale of foods with significant diet-related health implications, such as those foods high in sugars, fats and chemical additives. Submissions from entities representing low nutrition health risk e.g. the USA Cranberry Marketing Committee were not included for analysis.

## Data analysis

Increasingly, attention is being given to discursive power i.e. the capacity to influence policy through shaping ideas and the way an issue is constructed or a problem perceived and how this influences the type of action that is taken (Bacchi, 2009; Fuchs, 2007). The food industry has considerable power to influence government policy (Stuckler & Nestle, 2012). This research explored how that power was expressed through language.

Themes were identified using the analytical framework outlined by Bacchi. The framework asks questions that highlight the ways issues are positioned, specifically: What is the problem represented to be? What are the effects produced by this representation? How are agents or actions constituted in the representation? Who is likely to benefit? What is left unproblematic? (Bacchi, 2009).

The language, concepts and context used to frame the issues were noted. The submissions were analysed for the main issues, problems or priorities they emphasized; key or frequently used themes, subjects and terms; presuppositions or assumptions about trade, food and the TPP that underlay the arguments being made; envisaged or actual effects of the submission in the view of the submitter (an indication of purpose or intent); and finally, what had been omitted or left out that might have logically been included, such as nutrition and health in a submission discussing food. These components were used as headings in a table, with short summaries and quotations of relevant passages of text. Coding was initially carried out by three researchers and then codes were discussed in an iterative process to create themes. Quotations were extracted to illustrate the themes and make comparisons between representations. The quotations were chosen according to how clearly and concisely they enunciated the key ideas of the submitter and/or the main emergent themes in submissions across the various countries, such as market access, regulatory harmonization, protection and food security. This method is similar to that used by Neuwelt and colleagues in their study analysing pharmaceutical industry statements and discourse on the TPP (Neuwelt et al., 2015), and the method was previously applied in another public health discourse analysis (Begley & Coveney, 2010).

## Results

There were 16 food industry submissions from Australia, 19 from NZ, 22 from Canada and 156 from USA. See Table 1 for an overview of submissions by country and food industry sector (a full list of the submissions can be provided on request to author). Notably, in each country, the majority of submissions came from industry associations that include food industry members, followed by food industry associations. All submissions were made between 2008 and 2013.

Five themes were identified regarding the food industry's representation of the problem and the TPP as its solution: (1) bring economic and social benefits; (2) resetting the multilateral trade rules; (3) increased market access; (4) greater regulatory harmonization; and (5) investment protections. We now describe each of these in turn.

### *1. Bring economic and social benefits for TPP countries*

There was strong endorsement of greater trade liberalization with the TPP portrayed as a 'high quality FTA' and a major commercial opportunity for exporters. The US submissions, for example from the US Chamber of Commerce portrayed the TPP as a potential bonanza for US industry by securing greater access to existing and emerging foreign markets for US exports and investment, especially lucrative ones such as Japan and Canada and 'fast growing' ones such as Vietnam. A submission from Canada Pork International, noted: 'the Pacific Region includes many more emerging economies with significant growth in per capita income and population, factors that are associated with rapid increases in consumption, and importation of animal products'. The Australian Chamber of Commerce in Singapore wrote that it was 'vital' that Vietnam join the negotiations as it was a 'significant emerging market in the region and major export market' and that Australian businesses in Singapore were 'well placed to take advantage of investment and export opportunities'.

Virtually all of the submissions made by the industry to the government of New Zealand were optimistic about the benefits of trade liberalization. The Federated Farmers of New Zealand opined in 2008, 'Free trade is beneficial for economic efficiency and welfare, and it is particularly important to keep pushing for liberalization at the present time as it will boost the global economy, and any moves to protectionism will deepen and lengthen the current downturn'.

The USA's economic health was linked to trade and investment with foreign markets, which 'contributes to their ability to add jobs in the US', with arguments that the goal is 'Trade AND jobs, not trade or jobs' wrote Cargill Incorporated in 2010. The Emergency Committee for American Trade (ECAT) which represents the largest US companies with global operations, also in 2010 stated:

ECAT companies are strong supporters of negotiations to eliminate tariffs, remove non-tariff barriers and promote trade liberalisation and investment worldwide, all of which promote America's economic growth and prosperity, support good-paying jobs in the United States, and help increase the standard of living for all Americans.

US traders in processed foods framed the TPP as good for the economy and important to bring greater product diversity to consumers at the most affordable prices. As a 2011, submission from the Grocery Manufacturers Association stated:

Through free and fair trade, the United States bolsters and diversifies its economy and creates jobs for its citizens, while producers and consumers benefit from being able to select the from the best available ingredients and products at the most affordable prices.

A number of the US food industry submissions such as one from the US Chamber of Commerce in 2012 also portrayed the TPP as critical to the country's global power status.

At stake is the standing of the US as the world's leading power, our ability to exert positive influence around the world, our reputation and brand overseas, and our best hopes for escaping high unemployment, massive deficits, and exploding entitlements ....

## **2. Re-setting multilateral trade rules**

In many submissions, the TPP was seen as a vehicle for establishing a new set of trade rules that would extend or replace the existing multilateral rules of the WTO. The TPP was portrayed as advancing comprehensive trade rules that were ultimately likely to be adopted more widely across the region and perhaps the world, and the TPP negotiations were seen as a significant opportunity for the negotiating countries to shape those rules to their own benefit. As stated by the Canadian Pork Council, 'The sooner Canada becomes a [TPP] participant, the greater is its ability to help shape [it] and to prevent it taking on characteristics that later on make it less favourable to Canada's interests'. The US Chamber of Commerce in 2008 claimed, '... the potential growth of the TPP into a Free Trade Area of the Asia-Pacific means that our inclusion in and influence on the TPP is imperative to future US economic engagement in the region.' Four submissions from the Emergency Committee for American Trade from 2009 to 2013 state that 'The TPP is a much-needed response to the proliferation of preferential trade agreements in the Asia-Pacific that do not include the US'. Almost all from the USA agreed with this and saw inclusion in the TPP as important to protect US business interests, as in this 2010 submission from the Emergency Committee for American Trade:

Since the US market is largely open, the main effect of trade and investment agreements is to eliminate foreign trade barriers and open other countries' markets to our goods and services and provide a more stable, transparent and fair legal environment for the protection of US property and interests.

There was a significant push for a comprehensive TPP including historically 'sensitive' areas such as agriculture that were deliberately excluded from existing FTAs, such as a 2013 submission from the Emergency Committee for American Trade that stated 'Ensuring these high standards are agreed will protect and promote investment, intellectual property rights and digital trade and information technology, while eliminating tariffs and non-tariff barriers and liberalizing trade in agricultural and manufactured goods and services'.

Both the New Zealand and US submissions, such as Fonterra USA in 2010, called for an agreement that would be a 'high-standard, broad-based TPP' and 'without exceptions'; and that the USA and the coalition of the willing must achieve a 'high-quality TPP agreement with no carve outs and with meaningful trade gains'.

## **3. Increased market access**

Market access was a dominant theme, arising in every submission from every country. The bulk of the submissions across sectors in each country called for expeditious, total and unconditional market access to every TPP country, with a few exceptions among those potentially threatened by competing imports.

A major problem discussed was barriers to market access. Some discussion was about tariffs and the need to remove them; however, non-tariff barriers were also prominent, including quotas or quantitative restrictions, technical barriers to trade (TBT), and sanitary and phytosanitary measures (SPS). The 2012 submission from the Canadian Agri-Food Trade Alliance, an association which represents Canadian food producers, processors and exporters, typifies many: 'the competitiveness of Canadian agri-food exporters is limited by market access restrictions including tariffs and quotas, trade distorting domestic support, export subsidies, differential export taxes, tariff escalation and non-tariff barriers'.

A number of submissions addressed ongoing protectionism, especially in Canada, but also in Japan. The Australia Dairy Industry Council in 2012 criticized Canada's 'protectionist approach' to dairy trade, which it said advocated supply control and trade restriction; and that Canada's entry to the TPP would 'create complexity, delay, and risks to TPP policy and commercial objectives'. US processing giant Cargill Incorporated in 2013 referred to Japan as 'one of the most protected markets in the world for food and agricultural imports. Cargill recognizes that agriculture represents a sensitive area for trade negotiations with Japan'.

A significant number in the USA framed positive 'win-win' scenarios from increased market access, including enhanced food supply, employment, regulatory harmonization, streamlining and coherence. Cargill stated that it would 'work closely with Japan and its farmers to enhance Japan's competitiveness in the global marketplace', and that 'the TPP can serve as an important tool to revitalize Japan's agriculture sector, facilitate Japan's transition to a more market-based agricultural economy and position it for long-term competitiveness and sustainable growth'.

#### ***Increasing market access for processed foods***

Market access for processed foods was high on the agenda. Most submissions, with only a few exceptions from industries in specific countries seeking protection, argued that the TPP must not exclude any food product areas and called for across-the-board elimination of tariffs and quotas. For example, in 2012, the Canadian Sugar Institute highlighted the TPP's potential to 'address prohibitive sugar market access barriers, particularly for refined sugar, a value-added commodity, as well as many processed sugar-containing products'.

However, most of the push for easier market access for processed food came from the USA's large grocery manufacturer, retail and food service chain sectors. A submission from PepsiCo in 2010 focussed on the company's rules of origin priorities for the TPP in meticulous detail, supported with specific examples and recommendations for changes to existing regulations in other countries. Submissions from Walmart in 2012 and 2013 called for full tariff elimination across all products and sectors and favourable rules for foreign direct investment in retail and distribution. The National Confectioners Association in 2009 and 2010 argued, with specific reference to Vietnam and New Zealand, that 'Tariffs on chocolate and confectionery must be eliminated in all TPP countries'. Sugar Australia in 2010 stated that the US import quota structure for refined sugar 'unfairly disadvantages Australia and prevents supply of refined sugar to USA, even at times of high need and domestic shortage'. A 2012 submission from The American Sugar Alliance depicted Mexico as a potential threat, stating that an increase in high fructose corn syrup use by the Mexican food industry had replaced domestic sugar, making more of Mexico's cane sugar available for export thus competing with the US.

#### ***4. Greater regulatory harmonization***

The next most common trade topic was regulatory harmonization. Submissions from Australia, Canada, the USA and some from New Zealand generally depicted national regulatory structures, rules and procedures as inefficient, unscientific, arbitrary and complex. Fewer New Zealand submissions dealt with this issue, partly due to a specific call for submissions to focus on financial services and investment, and proposed inclusion of new TPP member countries. Consistently across countries, the regulatory structures criticized were tariffs, rules of origin, sanitary and phytosanitary (SPS) standards (includes food safety standards and quarantine), technical barriers to trade (TBT), and Intellectual Property in the form of Geographic Indications that identify food as coming from a specific location. The 2012

submission from the Canadian Agri-Food Trade Alliance (CAFTA) was representative of many from each country, particularly commercial associations and food industry associations representing processors and distributors.

A regional trade deal like the TPP could provide opportunities to ensure better cooperation in the development and enforcement of regulatory systems and requirements including greater transparency and regional consultation on the development of regulations.

US submissions tended to advocate that TPP countries follow US rules and standards, arguing ‘science-based’ rules would ultimately lead to harmonization of regulation, wherein all rules should be formulated and applied so as to be ‘least trade restrictive’, preferably to be equivalent to US standards. In some cases, submissions argued that regulatory standards should not exceed the Codex Alimentarius, a widely recognized set of voluntary international food standards, guidelines and codes of practice developed jointly by the World Health Organization and the Food and Agricultural Organization, and it is applicable to producers, processors and consumers of food, national agencies that regulate food, and the international food trade. However, some submissions appeared to argue that the TPP might be able to circumvent Codex. The Canadian Cattlemen’s Association expressed the view that ‘Codex has shown disregard for its own scientific recommendations. We would like to see TPP create a vehicle to set its own standards that would be in effect in the TPP region in situations where Codex has either failed to act or the Codex process is unduly slow’. The Grocery Manufacturers Association in 2013 contrasted ‘science based’ trade policy against domestic health policy

As governments rush to adopt measures targeting ‘unhealthy’ products, it is important to hold the countries to their international commitments, especially those requiring governments to provide transparency and due-process in regulatory decision-making, as well as to refrain from imposing measures that discriminate against imports or foreign service suppliers or that are more restrictive than necessary.

There was also a focus in the submissions on the need for standards and procedures for biotechnological advances in food production, along with arguments that prevailing regulatory requirements impeded progress, and that the TPP would allow these commercial impediments to be modified or eradicated. The Grocery Manufacturers Association in 2013 claimed ‘... trade in agriculture and food products has been disrupted due to certification and labelling requirements for products derived through biotechnology ... despite the fact that risk assessments have shown no food and feed safety concerns’.

## **5. Investment protections**

Issues of investment were raised mainly in the New Zealand and US industry submissions, with the marked preference expressed for enhanced protection and legal remedies for investors. The prominence of investment issues for these countries may in part be attributed to their proportionally large food industry investments in other countries (as referenced in the submissions) when compared to other TPP countries. In New Zealand, eight of the submissions referenced the inclusion of some form of investment protection, mostly concerning investments by New Zealand dairy companies in foreign markets, particularly the USA. Four submissions advocated for the inclusion of an investor state dispute settlement mechanism. In the US, general dispute settlement issues were noted in about a fifth of the submissions, and 12 submissions specifically noted the desire for an investor state dispute settlement. Fonterra in a 2008 submission responding to the financial services negotiations between the P4 and the USA stated ‘the unconditional consent by each Government to the submission of all investor state disputes to international arbitration, are our preference’.

Another from the Dairy Companies Association of New Zealand in 2008 stated it ‘strongly supports the inclusion of an investment chapter to protect existing New Zealand investments in the USA. It also endorses the inclusion of the investor-state concept whereby investors can directly take legal action against the state’. The New Zealand Chambers of Commerce and Industry in 2008 went further, calling for an overhaul of New Zealand’s investment regime: ‘We believe that our overseas investment rules and screening regime need urgent review. We would be very happy to see liberalisation of this regime’.

## Discussion

In this article, we documented the themes of food industry public lobbying positions in the TPP across four countries, applying critical policy analysis and food regime theory perspectives. The research explored the arguments and framing of submissions by a broad range of food industry stakeholders, including production, processing, distribution and retail sectors, along with food industry associations and business associations that include food industry membership.

Our findings conform to initial expectations: nearly all the submissions framed trade liberalization as resulting in more exports and investment, as well as raise living standards and benefit the economy and country as a whole. Private corporate interests and priorities were merged with the interests of public good/welfare. The major food industry actors tended to portray themselves as purveyors of solutions to vexing economic problems. Frequently apparent was the expectation that the TPP should supersede national regulations governing rules of origin and food standards. Variation in national food regulations and market access controls were generally portrayed as 'barriers to trade' to be removed.

### *Differences between food industry sectors within countries*

Our findings show conflict within countries between food industry groups favouring liberalization and those seeking protection. The US sugar industry has been apparently successful in maintaining tariffs, quotas and protection despite opposition from the US confectionary industry, and Australian sugar industry counterparts, as evidenced in the exclusion of sugar by the US government from the Australia–US free trade agreement.

We found differences within countries between sectors such as production and processing (e.g. the sugar industry vs. the confectionary industry in the USA), with some producers arguing for protection, and some processors arguing for liberalization to access the cheapest raw materials. These indicate that food industry support for trade liberalization in the TPP is not homogeneous, and the divergent interests of some actors, though in the minority, had the capacity to influence the speed, content and tone of the TPP negotiations and agreement (or so the submitter argued).

### *Politics of the food industry*

The food industry is revealed as an active participant in trade regime formation. This is consistent with Friedmann and McMichael's depiction of the corporate food regime, wherein private agribusiness seeks to organize production and distribution of food on a global scale by influencing the structures and institutions of governance (Friedmann & McMichael, 1989).

An important finding of this study is the extent of TPP lobbying by food industry associations and other commercial associations. Most of the submissions came from these groups, which can include many food industry players. For example, the submission from the Food and Consumer Products of Canada represents a membership which includes Campbell's, Danone, Dole, General Mills, Heinz, Hershey's, Kellogg's, Kraft, Mars, McCain, Mondelez, Nestle, PepsiCo, Starbucks, Unilever and many others. This finding suggests that food industry players may be using collective bargaining positions to exert and enhance their influence. Whether intentional or not, this may mask the extent of food industry involvement in the TPP process.

The absence of submissions from major retailers in all countries except Walmart in the USA was notable. It is possible that these retailers were not actively involved in lobbying governments in relation to the TPP. It seems more likely, however, that retailers used alternative pathways to lobby other than written submissions, or lobbied through submissions made via the industry associations. This may be the reason to scrutinize the membership composition of these associations, which is not always indicated in the submission documents that constituted the analysed sample. Using the Food and Consumer Products of Canada again as an example, they said very little in a submission that could be made publicly available through access to information requests, but the Canadian lobbying database showed they regularly

lobbied the Canadian government on issues including: international trade negotiations with respect to identifying trade interests and concerns on a global level and improving market access for food and consumer products, and providing feedback to trade negotiators and monitoring developments.

Another significant finding is the formation of alliances between different food industry associations, particularly in the US from 2010 onwards, and to a lesser extent New Zealand from 2011 to 2012, indicating an amalgamation of TPP lobbying resources and power.

### ***Implications for the food supply chain and risks to nutrition***

The primary objectives in almost all the submissions are increased market access through the abolition of tariffs and quotas, along with regulatory harmonization. These would facilitate integration of food supply chains, with foreseeable benefits for agribusinesses, food processors, internationalized companies and export-competitive industries.

Food consumers in TPP countries might also benefit: in a best-case scenario, there would be greater choice and/or quality of products at competitive prices. The net effect of the majority of submissions, if successful, will be to consolidate, reinforce and perpetuate what are the already strong global positions of major food industry corporations. Less likely to benefit will be small-scale agribusinesses and farmers with mostly local or domestic sales, and food industry businesses lacking expertise and resources to be internationally competitive.

The TPP could affect national and global food systems, and ultimately population health in ways that are not readily apparent to governments, policy makers or the public. The food industry submissions pose indirect risks to population dietary health via the food supply chain. Regulatory harmonization can expedite commerce and economic growth; however, it can also weaken or dismantle regulatory structures, rules and procedures for public protection and support, if deemed to be restrictions or barriers to trade. Regulations in other countries are often described as unnecessarily complex, onerous or arbitrary. We note a tendency to portray these solely as barriers to trade and protectionism rather than bona fide measures to protect the public.

Sanitary and phytosanitary measures (SPS) and technical barriers to trade (TBT) are mentioned frequently in the submissions across countries, indicating their prominence in food industry issue framing for the TPP, and in their wider trade agenda. SPS and TBT are sensitive areas with implications for food and environmental safety, and human health, which are currently under the control of government agencies. In much the same way as the pharmaceutical and biotech industries were active in the lobbying around intellectual property rights in the TPP negotiations (Neuwelt, Gleeson, and Mannering 2015), it appears the food industry may be attempting the same for SPS and TBT in the TPP.

Regulatory harmonization and coherence has implications for nutrition-related policy tools in TPP countries, particularly where regulations might be construed as departing from TPP rules or norms. The TPP could, therefore, make the task of tackling non-communicable diseases such as diabetes and heart disease more difficult if governments are unable to implement clear labelling of health risks on food packaging, or use limitations on advertising and price incentives to reduce consumption (Thow et al., 2015).

### ***What is left unproblematized***

No mention was made of food as anything other than a commodity, with no connection to nutritional health. This is not unexpected, as food corporations would not consider it their remit to lobby for nutrition policy. Focus was on the types and quantities of food traded and their significance for revenue generation.

### ***Limitations***

Trade negotiations are complex, and subject to many variables. It is difficult to establish a direct causal relationship between food industry framing and a resulting trade agreement. A challenge for this study

was how to access valid and reliable data. The analysis had to rely only on TPP submissions accessible to the public, which likely left much unseen. In the US for example, food industry influence occurs through Industry Trade Advisory Committees which are heavily populated with representatives of transnational corporations and their associations, e.g. ITAC 16 on Standards and Technical Trade Barriers includes Coca Cola and Mars Incorporated (Mitchell, Voon, & Whittle, 2014).

This research took a broad overview approach. Future research could usefully focus on the lobbying, arguments and framing of transnational highly processed food corporations. Also worth noting from our findings is that much of the food industry lobbying appears to be undertaken via business associations. Further investigation into the workings of these associations may reveal exactly which food companies are involved and what their positions are.

## Conclusion

Analysis of publicly available food industry lobbying indicates that it is an active player in the context of trade negotiations, mainly through food industry associations and other business associations. The industry uses arguments that are primarily economic, and government regulation is largely portrayed in terms of barriers to trade which need to be dismantled to achieve economic goals. There is no consideration of the diet-related health effects. The TPP could, therefore, affect national and global food systems and ultimately population health in ways that are not readily apparent to governments, policy makers or the public. If coherence between trade and health policy goals is to be strengthened, the public health community will need to engage with industry arguments and build an effective counter-argument that gives prominence to health and nutritional concerns.

## Note

1. These were the Department of Foreign Affairs and Trade (DFAT) in Australia, The Ministry of Foreign Affairs and Trade (MFAT) in New Zealand, Global Affairs Canada, and the Office of the United States Trade Representative (USTR) in the United States of America.

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