**Cronfa - Swansea University Open Access Repository**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This is an author produced version of a paper published in:

Cronfa URL for this paper:
<http://cronfa.swan.ac.uk/Record/cronfa48183>
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (2016).

<http://dx.doi.org/10.1080/09581596.2016.1139689>

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This item is brought to you by Swansea University. Any person downloading material is agreeing to abide by the terms of the repository licence. Copies of full text items may be used or reproduced in any format or medium, without prior permission for personal research or study, educational or non-commercial purposes only. The copyright for any work remains with the original author unless otherwise specified. The full-text must not be sold in any format or medium without the formal permission of the copyright holder.

Permission for multiple reproductions should be obtained from the original author.

Authors are personally responsible for adhering to copyright and publisher restrictions when uploading content to the repository.

[http://www.swansea.ac.uk/library/researchsupport/ris-support/](http://www.swansea.ac.uk/library/researchsupport/ris-support/%20)

**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?**

Sharon Friel1, Sunil Ponnamperuma1, Deborah Gleeson2, Ashley Schram3, Adrian Kay4, Anne-Marie Thow5, Ronald Labonte3

1Sharon Friel, Regulatory Institutions Network, HC Coombs Extension Building, Fellows Road, Australian National University, Canberra, Australia. Tel +61 2 612 51518, Email: Sharon.friel@anu.edu.au

1Sunil Ponnamperuma, Regulatory Institutions Network, Australian National University, Canberra, Australia. Email: sunil.ponnamperuma@anu.edu.au

2Deborah Gleeson, School of Psychology and Public Health, La Trobe University, Melbourne, Australia. Email: D.Gleeson@latrobe.edu.au

3Ashley Schram, School of Epidemiology, Public Health and Preventive Medicine, University of Ottawa, Canada. Email: agrau012@uottawa.ca

4Adrian Kay, Crawford School of Public Policy, Australian National University, Canberra, Australia. Email: Adrian.kay@anu.edu.au

5Anne-Marie Thow, University of Sydney, Menzies Centre for Health Policy, Sydney 2006, Australia. Email Annemarie.thw@usydney.edu.au

3Ronald Labonte, School of Epidemiology, Public Health and Preventive Medicine, University of Ottawa, Canada. rlabonte@uottawa.ca

Corresponding author: Sharon Friel

This work was supported by the Australian Research Council under Grant DP130101478.

Target journal: Critical Public Health

Word count: 6000 incl refs (currently 6545)

## Abstract

The Trans Pacific Partnership agreement (TPP) is a regional trade agreement being negotiated by twelve 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).

Nearly all the submissions claimed that trade liberalisation would result in more exports, innovation, investment, and technology transfer, as well as raise living standards and benefit the economy and country. Private corporate interests and priorities were assumed as synonymous with the public interest . The food industry submissions made scant mention of food as anything other than a commodity, with no connection to nutritional health. The focus was mainly on the types and quantities of food traded and what this meant for revenue generation.

The secretive nature of the TPP negotiations is fertile ground for the food industry to shape the agreement by framing the issues, influencing the content and direction of the TPP negotiations and agreement itself. The TPP could affect regional and global food systems, and ultimately population health in ways that are not readily apparent to governments, policy makers or the public.

Keywords: trade agreements; Australia, New Zealand, Canada, USA, food industry; policy analysis; diet-related health

## Introduction

The Trans Pacific Partnership agreement (TPP) is a regional free trade agreement (FTA) currently under negotiation among 12 Pacific Rim countries, which together represent approximately 40 percent of the world’s GDP (Table 1). Based on what is known about the TPP from leaked documents WikiLeaks (2013), (2014a, 2014b, 2015) and public stakeholder consultations, the TPP is characterized by the wide scope and depth of its liberalisation agenda, with specific chapters that are believed to be either new or exceed the commitments in existing World Trade Organization (WTO) agreements and other bilateral or regional FTAs (Schott et al., 2013). There is concern that the TPP will give more power and influence in public policy-making to corporate actors through provisions that create ‘behind-the border’ regulatory constraints on government, limiting national sovereignty to regulate investors or introduce policies, including health policies, that investors consider in contravention to the trade agreement (Kelsey, 2012c, Gleeson and Friel, 2013).

In previous works we examined the likely impact of the TPP on food-related public health regulations and nutrition risks (Friel et al., 2013, Thow et al., 2015). In this paper we examine the arguments from different sectors of the food industry in their 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.

[table 1 here]

### The Trans Pacific Partnership agreement and diet related health

There are many ways in which trade agreements can affect nutrition (Friel et al., 2013). WTO agreements and FTAs have traditionally focused on gaining market access for food exports by reducing import tariff and non-tariff barriers. Reduced trade barriers can improve supply for net-food importing countries and increase consumer food choices. However, trade liberalisation has resulted in disproportionately large increases in imports and domestic production of processed foods, skewing the food supply towards highly processed, calorie-rich and nutrient-poor foods, thus shaping food preferences and affecting diet-related health (Hawkes et al., 2009, Lang and Heasman, 2004, Thow et al., 2010, Thow and Hawkes, 2009).

The link between trade and diet-related health comes partly through the global diffusion of food products that are harmful to health, enabled by greater foreign investment and penetration of transnational food corporations (TNCs), mainly into emerging markets (Labonte et al., 2011a, Stuckler and Nestle, 2012). Global food processors and retailers such as Unilever, Nestle, Wal-Mart, Carrefour, and Tesco have emerged. These TNCs, especially the supermarkets, influence eating habits through products they choose to sell, retail pricing, and the labelling and promotion of particular goods (Dixon, 2004). Increasing market penetration by TNCs has led to dramatic increases in the transfer of highly processed foods from developed to developing countries, flooding national marketplaces with cheap nutrient-poor foods (Baker and Friel, 2014, Stuckler et al., 2012, Labonte et al., 2011b).

We expect that the TPP will propose tariff reductions, but also introduce foreign investment liberalisation and intellectual property protection that extend beyond provisions in the multilateral WTO agreements (Mitchell et al., 2014). It is said the TPP will reach further into domestic public policy than any previous FTA, requiring changes in regulatory coherence, transparency, and harmonization (Kelsey, 2012b, Kelsey, 2012a). This could undermine health policy goals and extend the influence of the food industry over domestic policy-making.

### Influencing trade agreements

Many actors are involved in developing country positions for trade agreement negotiations: politicians, policymakers, trade negotiators, community groups and private businesses. Studies in the political economy of trade policy have shown that the issues considered important, what is and is not discussed and how they are framed, can have important ramifications for the outcome of negotiations and the impact of the trade agreement on nutrition and health (e.g. Davis, 2004).

The corporate food industries in TPP countries are politically active, lobbying governments through many avenues to advance their interests (Nestle, 2013). Much is unseen by the public. In the US for example, it occurs through Industry Trade Advisory Committees (ITAC) 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 et al., 2014). However, written submissions regarding the TPP made by the food industry are accessible to the public.

This article examines how the food industry sought to influence the TPP agreement by analysing written submissions to the trade negotiating authorities in Australia, NZ, Canada, and USA. The study identified a) how the food industry defined its interests in the TPP negotiations and framed those interests in terms of trade policy advocacy, and b) whether this differed between countries and different sectors of the food industry. 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. This is the first systematic examination of TPP food industry submissions and their implications for human health across multiple countries.

## Methods

Our research question was: How has the food industry framed its ideas and arguments to influence the TPP negotiations? To answer this, we studied publicly available submissions from the food industry and relevant 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: TPP countries where the food industry participated in a public submissions process, and where these documents were in English. *Documentary identification:* TPP submissions were accessed via the public websites of, or direct request to, the designated trade negotiating authorities.[[1]](#footnote-1) 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 (see table 2).

Step 2: Submission from a major food importer or exporter, transnational food corporation, or major food player in the domestic market, and Submitter product had significant nutrition and health implications, or if submission from an association, association had to include food industry members, and be national or international in coverage.

### 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 (Fuchs, 2007, Bacchi, 2009). The food industry has considerable power to influence government policy (Nestle, 2013, Shill et al., 2012, Swinburn and Wood, 2013). This research explored how that power was expressed through language.

Themes were identified using the analytical framework outlined by Bacchi (Bacchi, 2009). 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?

The language, concepts and context used to frame the issues was noted. Coding was initially carried out semi-independently by three researchers (SP, DG, AS) and then codes were discussed in an iterative process to create themes. The themes were identified from established political economy constructions, specifically food regime theory, which postulates the formation in recent decades of corporate led agro-food regimes organizing production and distribution of food on a global scale, and a web of public and private institutions that play a supporting role (McMichael 1992). Quotations were extracted to illustrate the themes and make comparisons between representations. This method is similar to that used by Neuwelt et al. (2015) in their recent study analysing pharmaceutical industry statements and discourse on the TPP, and was previously applied in public health discourse analysis (Begley and Coveney, 2010).

## Results

There were 16 food industry submissions from Australia, 19 from NZ, 22 from Canada, and 156 from USA (Table 2). All submissions were made between 2008 and 2013. Five themes were identified: 1) TPP will bring economic and social benefits; 2) Resetting the rules; 3) Regulatory harmonisation – based on whose standards? 4) Problems with country regulatory regimes; and 5) Protect company investments. We now describe each of these in turn.

[table 2 here]

### Claims that the TPP will bring economic and social benefits

There was strong endorsement of greater trade liberalisation with the TPP portrayed as a ‘high quality FTA’ and a major commercial opportunity for exporters. The US submissions, for example from the U.S. Chamber of Commerce (2012) 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, specially lucrative ones such as Japan and Canada and ‘fast growing’ ones such as Vietnam. A submission from Canada Pork International (2012), 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 (2010) 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.’

In New Zealand virtually all the submissions were sanguine about the benefits of trade liberalisation. 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 which represents the CEOs of 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 U.S. 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 ….

### Re-setting the trade rules

The TPP was portrayed as advancing comprehensive trade rules, and that it was important that they, the negotiating countries, shaped those rules. 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 U.S. 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.’ 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 (2013) 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’. The NZUS Council in 2008 wrote [it is] ‘inconceivable that meat and dairy products be excluded from negotiations.’

### More 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, 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 (CAFTA), 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 criticised 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 harmonisation, 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.’

#### Being part of the game: dealing with competition and a fear of falling behind

International food trade was portrayed as highly competitive; companies expressed fear of being left behind and suffering economic losses if their host country failed to join the TPP. Many in Australia, New Zealand and Canada noted the fear of losing out on access to US markets. For example, in 2010 Sugar Australia complained of preferential access given to Brazil and other Latin American countries to the protected US sugar market, and urged Australia to influence the development of the ‘ground rules’ for an expanded TPP ‘by getting in now’.

US industries warned they would lose market share if the USA did not join the TPP, apparently driven by perceptions of preferential trade agreements between countries to which the USA was not a party as threats to the US share of key export markets. Four submissions from the Emergency Committee for American Trade from 2009 - 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.’

Agreements to which Canada was not a party were portrayed as threats to Canada’s potential share of export markets, especially in Japan and Vietnam. The Canadian Meat Council in 2012 warned: ‘Should Canada not gain access to the TPP negotiations but Japan succeeds, Canada will lose this significant market for meat.’

*Increasing market access for processed foods*

Most submissions 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, especially its beverage industry, had replaced domestic sugar, and made more of Mexico’s cane sugar available for export. High fructose corn syrup (made from subsidised US corn) is a US export to Mexico that greatly increased after NAFTA, with ensuing disruption in the Mexican sugar industry (C lark et al., 2012).

### Harmonisation of trade rules – based on whose standards?

The next most common trade topic was regulation, with calls for regulatory harmonisation, streamlining, and transparency. 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. The regulatory structures criticised were tariffs, rules of origin, Sanitary and Phytosanitary (SPS) standards (includes food safety standards and quarantine), Technical Barriers to Trade (TBT) (can include standards and procedures for pesticide residues and processing or storage methods), and Intellectual Property in the form of Geographic Indications (GI) 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 harmonisation of regulation, wherein all rules should be formulated and applied so as to be ‘least trade restrictive’, preferably to be equivalent to US standards.

The Canadian Agri-Food Trade Alliance (CAFTA) in 2012 noted that ‘Disparate regulatory standards, different approval and inspection systems, regulations that are not grounded in science and inconsistent adherence to policies developed by international bodies such as Codex are a growing issue for food exporters.’

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.

*The case of biotechnology*

There was also a focus in the submissions on the need for standards and procedures for biotechnological advances in food production. 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.’ This theme was also captured in the submission from the Alberta Canola Producers Commission, ‘The TPP is an ideal forum to advance solutions that minimize technical barriers to trade such as biotechnology approvals and the low-level presence of genetically modified material’ and Pulse Canada, ‘the TPP can capitalize on progress made on maximum residue limit (MRL) harmonization between Canada and the US within NAFTA.’

### Investment protections

Issues of investment were raised mainly in the New Zealand and US industry submissions. 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 (ISDS) 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 ISDS.

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’. It went on to say

Expropriation is undesirable, but if it is to occur, we place great weight on all investors, domestic and international, being treated in the same manner… [with] the affected investor being compensated for the fair value of the investment. It is therefore vitally important that the Investment and Financial Services chapters effectively define the boundaries of what constitutes lawful expropriation …. any measures that are adopted or maintained pursuant to this type of provision [should be] done so in a non-discriminatory manner and do not constitute a disguised restriction on trade.

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. DCANZ 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 systematically documented the themes of food industry public lobbying positions in the TPP across four countries, applying critical policy analysis and food regime theory perspectives. Our findings, to an extent, conform to initial expectations: nearly all the submissions assumed that trade liberalisation would result in more exports, innovation, investment, and technology transfer, as well as raise living standards and benefit the economy and country as a whole. Private corporate interests and priorities have become eldied with the general interests of public. The major food industry actors tended to portray themselves as purveyors of solutions to vexing economic problems.

Frequently apparent was the expectation that international standards in the TPP should be ‘scientific’ and based on ‘sound science’. The TPP should supersede national regulations governing SPS, rules of origin, and food standards, with the presumption that national regulation of the food supply should be subordinate to the TPP. Variation in national food regulations and market access controls were, generally portrayed as ‘barriers to trade’ to be removed.

*TPP in the context of the multilateral system*

Some submissions express dissatisfaction with multilateral trade talks at the World Trade Organisation, with the TPP portrayed as a viable alternative to advance full trade liberalisation. US submissions seldom mention the WTO, possibly because the US trade policy since at least 2009 has emphasised bilateral and regional negotiations due to the slow progress in WTO talks. there are seen as stagnant or less relevant, or because the US food industry has what they want from the MTS and seeks to go beyond it (i.e. WTO-plus). This could also reflect industry awareness of the contemporary political economy orientation of the USA. Historically accustomed to being a hegemonic power in the post-World War II food regime and international trade, the USA departed from this in recent decades to pursue bilateralism and regionalism. The Doha round also focuses on sensitive areas such as agricultural subsidies and other domestic supports, of which some US submitters are major beneficiaries.

There was also the sense 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. Rather, product approvals by Codex have been subject to public opinion and political majorities. Consequently many scientifically validated safe products have failed to achieve Codex approval for unscientific reasons. 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.’

*Differences between food industry sectors within countries*

Our findings show conflict within countries between food industry groups favouring liberalisation and those seeking protection, with some able to thus far maintain protection against domestic and international pressure. The US sugar industry is 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 (AUSFTA). 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 liberalisation to access the cheapest raw materials.

*Politics of the food industry*

The food industry is revealed as an active participant in trade regime formation, with government agencies acting as intermediaries. This is consistent with Friedmann and McMichael’s depiction of the corporate food regime, wherein private agribusiness seeks to organise production and distribution of food on a global scale by influencing the structures and institutions of governance (Friedmann and 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, rather than individual MNCs or TNCs. This suggests food industry players are using collective bargaining positions to exert and enhance their influence. Whether intentional or not, this also tends to 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. This suggests the retailers might be using alternative pathways (such as investment treaties) to expand internationally, or lobbying through means other than written submissions. Another significant finding is the formation of strategic alliances between different food industry associations, particularly in the US from 2010 onwards, and to a lesser extent New Zealand from 2011-12. This indicates an amalgamation of TPP lobbying resources and power in New Zealand and the USA since 2010.

*Who will benefit, and who is at risk*

The primary objectives in almost all the submissions are increased market access through the abolition of tariffs and quotas, along with regulatory coherence, harmonisation, and streamlining. These would facilitate integration of food supply chains, with foreseeable benefits for agribusinesses, food processors, internationalised 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 objectives in the submissions might present an indirect risk to population dietary health via the food supply chain. Regulatory harmonisation and streamlining can expedite commerce and economic growth, however they can also weaken or dismantle regulatory structures, rules and procedures for public protection and support, if deemed to be restrictions or barriers to trade. We find strong emphasis on market access in the submissions across all countries. This is not unexpected, as these are from commercial enterprises operating in a competitive environment. 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 (overt or disguised) rather than bona fide measures to protect the public.

SPS and TBT are mentioned quite 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 IP in the TPP negotiations and are believed to have strongly influenced the text of the agreement (Neuwelt, Gleeson & Mannering, 2015), it appears the food industry may be attempting the same for SPS and TBT in the TPP.

Regulatory coherence and streamlining are portrayed across all countries as highly desirable, even essential, with few exceptions. This has implications for nutrition-related policy tools and policy space in TPP countries, particularly where regulations and policy interventions might be construed as departing from TPP rules or norms. Many of the submissions refer to the need for consistent and equivalent standards; however these have not yet been determined. The standards to be applied for use in harmonization are critical. Outcomes are ambiguous and possibly ambivalent: either a ‘levelling down’ to the lowest common denominator for some countries, or an upgrade in standards for others.

*What is left unproblematized*

Scant 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. We noted a tendency to ignore or downplay potential negative outcomes of trade liberalisation and food industry activity.

*Limitations*

Trade negotiations are complex, and subject to many variables. It is difficult to establish a direct causal relationship between food industry influence and a resulting trade agreement. A challenge for this study was how to access valid and reliable data. TPP submissions accessible to the public were used, which left out information that may have been relevant, but was not public. We did not (and could not) ascertain the food industry’s degree of success in influencing the content of the TPP or the negotiations, other than what is evidenced by their explicitly stated objectives and active participation in the public submission process.

**Conclusion**

The secretive nature of the TPP negotiations is fertile ground for the food industry to frame the issues, influence the content and direction of the negotiations, and final agreement itself. Most of the submissions assumed that the TPP would result in reduced costs, economic gains and increased exports through regulatory coherence and harmonisation, usually expressed in sweeping statements that were not always supported with arguments or evidence. The TPP could affect regional and global food systems, and ultimately population health in ways that are not readily apparent to governments, policy makers or the public.

## References

BACCHI, C. L. 2009. *Analysing policy: what's the problem represented to be?,* Frenchs Forest, N.S.W, Pearson.

BAKER, P. & FRIEL, S. 2014. Processed foods and the nutrition transition: evidence from Asia. *Obesity Reviews***,** n/a-n/a.

BEGLEY, A. & COVENEY, J. 2010. Wonder vitamin or mass medication? Media and academic representation of folate fortification as a policy problem in Australia and New Zealand. *Australian and New Zealand Journal of Public Health,* 34**,** 466-471.

CLARK, S. E., HAWKES, C., MURPHY, S. M. E., HANSEN-KUHN, K. A. & WALLINGA, D. 2012. Exporting obesity: US farm and trade policy and the transformation of the Mexican consumer food environment. *International Journal of Occupational and Environmental Health,* 18**,** 53-65.

DAVIS, C. 2004. International Institutions and Issue Linkage: Building Support for Agricultural Trade Liberalization. *American Political Science Review,* 98**,** 153-169.

DIXON, J. 2004. Adding Value(s): A cultural economy analysis of supermarket power. *In:* GERMOV, J. & WILLIAMS, L. (eds.) *A sociology of food and nutrition: the social appetite.* Melbourne: Oxford University Press.

FRIEDMANN, H. & MCMICHAEL, P. 1989. Agriculture and the state system: The rise and decline of national agricultures, 1870 to the present. *Sociologia Ruralis,* 29**,** 93-117.

FRIEL, S., GLEESON, D., THOW, A., LABONTE, R., STUCKLER, D., KAY, A., et al. 2013. A new generation of trade policy: potential risks to diet-related health from the Trans Pacific Partnership agreement. *Globalization and Health* 9.

FUCHS, D. 2007. The power of ideas. *In:* FUCHS, D. (ed.) *Business Power in Global Governance.* London: Lynne Rienner.

GLEESON, D. & FRIEL, S. 2013. Emerging threats to public health from regional trade agreements. *The Lancet*.

HAWKES, C., CHOPRA, M. & FRIEL, S. 2009. Globalization, Trade and the Nutrition Transition. *In:* LABONTE R, SCHRECKER T, PACKER C & RUNNELS V (eds.) *Globalization and Health: Pathways, Evidence and Policy.* New York: Routledge.

KELSEY, J. 2012a. The implications of new generation free trade agreements for alcohol policies. *Global Alcohol Policy conference.* Nonthaburi, Thailand.

KELSEY, J. 2012b. Investment developments in the Trans-Pacific Partnership agreement. *Investment Treaty News.* International Institute for Sustainable Development.

KELSEY, J. 2012c. New-generation free trade agreements threaten progressive tobacco and alcohol policies. *Addiction,* 107**,** 1719-1721.

LABONTE, R., MOHINDRA, K. & LENCUCHA, R. 2011a. Framing International Trade and Chronic Disease. *Globalization and Health,* 7**,** doi:10.1186/1744-8603-7-21.

LABONTE, R., MOHINDRA, K. & SCHRECKER, T. 2011b. The growing impact of globalization for health and public health practice. *Annual Review of Public Health,* 32**,** 263-283.

LANG, T. 2004. Food Industrialisation and Food Power: Implications for Food Governance.

LANG, T. & HEASMAN, M. 2004. *Food wars : the global battle for minds, mouths, and markets,* London; Sterling, VA, Earthscan.

MCMICHAEL, P. D. 1992. Tensions between National and International Control of the World Food Order: Contours of a New Food Regime. *Sociological Perspectives,* 35**,** 343-365.

MITCHELL, A. D., VOON, T. S. & WHITTLE, D. 2014. Public Health and the Trans-Pacific Partnership Agreement *Asian Journal of International Law,* Forthcoming.

NESTLE, M. 2013. *Food Politics: How the Food Industry Influences Nutrition and Health*, University of California Press.

NEUWELT, P. M., GLEESON, D. & MANNERING, B. 2015. Patently obvious: a public health analysis of pharmaceutical industry statements on the Trans-Pacific Partnership international trade agreement. *Critical Public Health***,** 1-14.

SCHOTT, J., KOTSCHWAR, B. & MUIR, J. 2013. *Understanding the Trans-Pacific Partnership,* Washington DC, Peterson Institute for International Economics.

SHILL, J., MAVOA, H., ALLENDER, S., LAWRENCE, M., SACKS, G., PEETERS, A., et al. 2012. Government regulation to promote healthy food environments – a view from inside state governments. *Obesity Reviews,* 13**,** 162-173.

STUCKLER, D., MCKEE, M., EBRAHIM, S. & BASU, S. 2012. Manufacturing epidemics: The role of global producers in increased consumption of unhealthy commodities including processed foods, alcohol, and tobacco. *PLOS Medicine,* 9**,** 1-8.

STUCKLER, D. & NESTLE, M. 2012. Big food, food systems, and global health. *PLos Med,* 9**,** e1001242.

SUGAR AUSTRALIA 2010. Department of Foreign Affairs and Trade.

SWINBURN, B. & WOOD, A. 2013. Progress on obesity prevention over 20 years in Australia and New Zealand. *Obes Rev,* 14 Suppl 2**,** 60-8.

THOW, A., W SNOWDON & 2010. The effect of trade and trade policy on diet and health in the Pacific Islands. *In:* HAWKES C, BLOUIN C, HENSON S, DRAGER N & DUBÉ, L. (eds.) *Trade, Food, Diet and Health: Perspectives and Policy Options.* Oxford: Wiley Blackwell.

THOW, A. M. & HAWKES, C. 2009. The implications of trade liberalization for diet and health: a case study from Central America. *Globalization and Health,* 5**,** 5.

THOW, A. M., SNOWDON, W., LABONTÉ, R., GLEESON, D., STUCKLER, D., HATTERSLEY, L., et al. 2015. Will the next generation of preferential trade and investment agreements undermine prevention of noncommunicable diseases? A prospective policy analysis of the Trans Pacific Partnership Agreement. *Health Policy,* 119**,** 88-96.

WIKILEAKS 2013. Secret TPP treaty: Advanced Intellectual Property chapter for all 12 nations with negotiating positions [Leaked draft text]

[www.wikileaks.org](http://www.wikileaks.org).

WIKILEAKS 2014a. Secret TPP treaty: Environment chapter for all 12 nations [Leaked draft text]. [www.wikileaks.org](http://www.wikileaks.org).

WIKILEAKS 2014b. Secret TPP treaty: Intellectual Property Chapter working document for all 12 nations with negotiating positions [Leaked draft text]. [www.wikileaks.org](http://www.wikileaks.org).

WIKILEAKS 2015. Trans-Pacific Partnership treaty: Advanced Investment Chapter working document for all 12 nations (January 20, 2015 draft) [Leaked draft text]. [www.wikileaks.org](http://www.wikileaks.org).

Table 1: All TPP negotiating countries and their GDPs as % of global GDP

|  |  |  |
| --- | --- | --- |
| **Country** | **2013 GDP per capita, PPP (current international $)** | **2013 GDP as % of world GDP** |
| Chile | 21,911 | 0.37 |
| New Zealand | 34,826 | 0.25 |
| Singapore | 78,763 | 0.39 |
| Brunei Darussalam | 71,777 | 0.02 |
| USA | 53,042 | 22.18 |
| Australia | 43,544 | 2.06 |
| Vietnam | 5,294 | 0.23 |
| Peru | 11,774 | 0.27 |
| Malaysia | 23,338 | 0.41 |
| Canada | 43,247 | 2.42 |
| Mexico | 16,463 | 1.67 |
| Japan  | 36,449 | 6.50 |

Source: <http://databank.worldbank.org/data/download/GDP.pdf>; <http://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD>

Table 2: 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 |
| **Food submissions by industry sector** |  |  |  |  |  |
| *Production*Growers, producers, farmers; or manufacturers of agricultural equipment and supplies | 4 | 3 | 0 | 7 | 15 |
| *Processing*Processors, packagers, or manufacturers | 0 | 1 | 1 | 13 | 15 |
| *Distribution*Transporters, marketers, or distributors of commodities from single or multiple producers | 1 | 0 | 0 | 0 | 1 |
| *Retail*Point of sale to end consumers (e.g. markets, supermarkets, restaurants, mail order) | 0 | 0 | 0 | 7 | 7 |
| *Food industry associations*Associations representing food industry members from any sector or combination of sectors | 5 | 9 | 22 | 114 | 151 |
| *Business associations*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 recognised sectors in the food supply chain (Lang, 2004).

1. These were the Department of Foreign Affairs and Trade (DFAT) in Australia, The Ministry of Foreign Affairs and Trade (MFAT) in New Zealand, the Department of Foreign Affairs and International Trade (DFAIT) in Canada, and the Office of the United States Trade Representative (USTR) in the United States of America. [↑](#footnote-ref-1)