
The German Federation for Food Law and Food Science (BLL) appreciates the opportunity to comment on the "Draft First Report of the WHO Independent High-level Commission on Non-communicable Diseases". The BLL represents the German food sector, both in Germany and at the European level. All types of businesses related to food production and sales are represented in the BLL.

The development of Non Communicable Diseases (NCDs) is of complex and multifactorial causation. Given the complexity and multi-factorial causes of NCDs, it is imperative that all relevant stakeholders have to be involved. Therefore, we welcome the overall objective of Recommendation 2 to increase the engagement with the private sector. However, we would like to express our concern with the expression "health-harming products" which is used in RECOMMENDATION 2b) and 2c) in relation to food and drinks. Foods are not healthy or unhealthy in themselves and there is no scientific evidence available that the consumption of an individual food or ingredient is responsible for the occurrence of NCDs. All food products have their place in a balanced diet.

In addition to this, with reference to Recommendation 1, a)2): "Reducing sodium and eliminating artificial trans-fat" we would like to remark, that our members have already made significant investments in reformulation and innovation of products on a voluntary basis, offering a wider range of products for consumers to meet various requirements. Thanks to significant efforts made by the industry in considerably reducing the amount of industrially produced trans fats in food products, the total dietary trans-fat intake today in Germany is below the WHO recommended level of 1% of dietary energy. However, due to technological reasons, it will not be possible to eliminate artificial trans-fat completely.

Recommendation 2c) encourages Governments to give priority to restricting the marketing of health-harming products to children. From our point of view, regulatory measures like marketing restrictions are not suitable to solve the complex issue of NCDs. Advertising plays – if it all – a minor role in influencing food choices,
food preferences and eating behaviors of children. This has been shown in practice and in scientific studies.

In addition to this, marketing and advertising are already comprehensively regulated in the European Union as well as in the Member States. Numerous European and national regulations are in place containing detailed rules on advertising for food and take account of children’s special needs for protection.

Moreover, the industry has developed voluntary codes of conduct and has implemented EU-wide self-regulatory systems. The rule of conduct of the German Advertising Council, for example, which has long been in place, is a functioning self-regulatory framework for responsible advertising – including advertising for food. Furthermore, the German food sector in cooperation with the German Advertising Federation (ZAW) established specific common rules of conduct on commercial communication regarding food for the entire food industry, the media, and retailer and advertising agencies. These comprehensive rules include the use of all communication tools i.e. traditional advertising as well as sponsorship or advertising in digital media and networks. The focus is in particular on vulnerable groups like children. The EU Pledge is another successful voluntary initiative by leading food and beverage companies to change the way in which they advertise to children. The companies participating in the EU Pledge represent over 80 percent of advertising spending on food and beverages in the EU.

Measures for preventing and reducing NCDs have to start with educating the consumer or providing nutritional expertise and, above all, the personal responsibility of every individual must be strengthened. The food industry has long been involved in the field of consumer information and consumer education and provides an enormous amount of information for consumers, amongst others on the subject of nutrition and diet (e.g. on nutritional labeling). Food companies are also involved in various other fields where they live up to their social responsibilities in many ways. For example, the food industry successfully cooperates with the Federal Ministry for Nutrition and Agriculture, the Federal States, authorities, unions and sports federations within the scope of the platform Ernährung und Bewegung e.V. (platform for nutrition and exercise). This platform bundles together a number of social stakeholders that are involved proactively in promoting a balanced diet, lots of exercise as well as relaxation times as being decisive elements of a health-promoting lifestyle for children and adolescents. The expertise of all scientific and social circles is combined in this platform resulting in successful measures such as the project “9 + 12 - keep healthy during pregnancy and during the first year of life” where gynecologists, midwives and pediatricians work hand in hand on obesity-proof concepts (http://www.pebonline.de).
Finally we would like to stress, that all recommendations proposed need to be based on sound and convincing scientific evidence taking into account all possible relevant evidence. A concerted effort and an engagement of all sectors of society are needed in order to prevent and combat NCDs. Our members take their responsibility very seriously and are open to dialogue and willing to collaborate in a constructive way.