Challenges and Opportunities Working with Private Sector in the Area of Nutrition: Country Experiences from the Philippines

World Health Organization Informal Technical Member State Consultation on the Risk Assessment and Management Tools for Safeguarding Against Potential Conflicts of Interest in Nutrition

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### Philippine Legislations and Legal Framework

<table>
<thead>
<tr>
<th>Maternal, Infant and Young Child Health and Nutrition</th>
<th>Code of Conduct, Professional Regulation and Anti-Corruption Laws</th>
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<tbody>
<tr>
<td>• Executive Order No. 51 (EO 51), s. 1986 – National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products,</td>
<td>• Republic Act 3019 – Anti-Graft and Corrupt Practices Act</td>
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<td>• Department of Health Administrative Order 2006-0012 – Revised Implementing Rules and Regulation on EO 51</td>
<td>• Republic Act 6713 – “Code of Conduct and Ethical Standards for Public Officials and Employees”</td>
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<td>• Republic Act 10028 – Expanded Promotion of Breastfeeding Act (amending Republic Act 7600 – Rooming-in and Breastfeeding Act)</td>
<td>• Implementing Rules and Regulation of RA 6713</td>
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<td>• Republic Act 10821 – An Act Mandating the Provision of Emergency Relief and Protection for Children Before, During, and After Disasters and Other Emergency Situations</td>
<td>• Republic Act 6770 – “The Ombudsman Act of 1989”</td>
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<td>• Republic Act 11148 – An Act Scaling Up the National and Local Health and Nutrition Programs Through a Strengthened Integrated Strategy for Maternal, Neonatal, Child Health and Nutrition in First One Thousand (1000) Days of Life, Appropriating Funds Therefor and for Other Purposes</td>
<td>• Republic Act 8981 – Professional Regulation Commission Modernization Act of 2001, repealing Presidential Decree 223, Creating the Professional Regulation Commission</td>
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<td>• Executive Order No. 2, s 2016 - Freedom of Information</td>
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### Preview of the Private Sector in the Philippines in relation to Nutrition

#### Health and Nutrition Professionals and Service Providers, including academe
- Pediatricians
- Obstetricians-Gynecologists
- Midwives
- Nurses
- Pharmacists
- Nutritionist-Dietitians

#### Settings of health and nutrition service delivery
- Hospitals
- Pharmacies and Drug Stores
- Private business establishments
- Shopping Malls
- Primary and Secondary Schools
- Private colleges and universities

#### Producers and Retailers of nutrition products
- Manufacturers of breastmilk substitutes and breastmilk supplements
- Manufacturers of “follow-on” and “growing up milk” products
- Manufacturers of complementary or “baby food” products
- Food manufacturing industry
- Food retail industry, including fast food retail outlets
- Beverage manufacturing industry
- Supermarkets and groceries
- Internet and web-based retailers and sellers

#### Communication and media channels
- Broadcast and television media outfits
- Newspapers and Print media
- Advertising companies
Public Sector Entities Being Engaged By Private Sector Outside of the Health Sector

1. Department of Agriculture (DA)
2. Department of Education (DepEd)
3. Department of Science and Technology (DOST) – Food and Nutrition Research Institute (FNRI)
4. Department of Social Welfare and Development (DSWD)
5. Department of Trade and Industry (DTI)
6. State Universities and Colleges offering health and nutrition-related undergraduate and postgraduate courses
Challenges Working With Private Sector in the Area of Nutrition – Professional Groups and Settings of Health and Nutrition Delivery (1)

1. **Difficulty** of professional groups to **disentangle with industry** – continuous industry sponsorships in professional and scientific development venues and fora

2. **Fragmentation within professional groups**

3. Being **tapped by the industry** and being used as they work with government

4. **Weak localization** of **enabling policies** and **physical environments** in settings of **service delivery**, including supportive supervisory methods to **sustain trained staff**
4. **Early engagements** of the industry during the **pre-service education** of undergraduate students taking up health and nutrition-related courses, and even up to **postgraduate level**

5. Varying levels of **technical assistance** from **public sector duty bearers** to guide private sector establishments
Challenges Working With Private Sector in the Area of Nutrition – Producers and Retailers of products

1. Uncertainty of industry’s intent to contribute to health and nutrition goals
2. Inconsistent and variable compliance to regulatory frameworks among players
3. Aggressive use of marketing of products to areas with known limited regulatory monitoring
4. Uses alternative channels to legitimize efforts to show compliance
5. Industry use of push factors to advance their agenda
Challenges Working With **PUBLIC SECTOR** Being Engaged by Private Sector in the Area of Nutrition

1. Industry entanglement seen as agency mandate (food research)
2. Selective policy interpretation of regulatory frameworks in favor of industry funding (sports activities or feeding programs for children)
3. Uses empathy and presents as aggrieved party seeking government solution (trade protection)
4. Industry assumes the benefactor and philanthropic role for scholarship grants (postgraduate degrees)
Opportunities Working With Private Sector in the Area of Nutrition

• Strict use of a disclosure of conflicts of interest forms when developing national strategic plans
• Tapping broader civil society organizations to provide inputs in policy development, and not with the industry
• Preference for partnerships with “low risk” business entities or establishments
  – International non-government or faith-based organizations (e.g. World Vision, Save the Children, etc.)
  – Insurance companies, breastmilk galactagogues, detergents and personal hygiene products for mothers and babies as commercial sponsors for Breastfeeding Month Celebration (annual HAKAB Na! – Grand Latch On!)
Status on the Use of the WHO Tools for Conflicts of Interests in the Philippines

- The Philippines participated in the consultation on Conflicts of Interest through WHO Regional Office for Western Pacific
- There is no national policy issued by the Department of Health on this tool nor was it adopted by health and nutrition programs
- No capacity development activities on the use of this tool
Maraming salamat po!

Thank you very much!