

UNICEF
TECHNICAL
GUIDANCE

Front-of-Pack Nutrition Labelling: A 'How-to' Guide for Countries



NUTRITION GUIDANCE SERIES

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How to use this Technical Guidance

This Technical Guidance is intended for use by UNICEF staff in country offices. It aims to inspire and assist countries to accelerate action on front-of-pack nutrition labelling (FOPNL) and is part of a comprehensive package of policies to promote healthier diets and contribute to prevention of overweight and obesity in children and adolescents. It should be read together with the 'UNICEF Nutrition Strategy 2020-2030' and the 'UNICEF Programming Guidance on the Prevention of Overweight and Obesity in Children and Adolescents'.

Built on existing authoritative reports and publications in this area, this technical guidance provides a granular primer for UNICEF staff to advocate for and support adoption, implementation, monitoring and enforcement of best-practice FOPNL. It recognizes the diversity of domestic contexts in which UNICEF works and offers guidance that could be tailored and applied in diverse jurisdictions to support countries to work through this process.

Use of this technical guidance will depend on which stage of the FOPNL policy cycle a country is in, acknowledging that this process does not always proceed in a linear fashion in the real world due to the variety of interests and actors involved.

Subjects covered in this document include:

- **Introduction to FOPNL** – understanding what we mean by FOPNL, how it can impact consumers and food companies, and a summary of global policy progress to date.
- **The preparation phase** – determining whether new FOPNL is feasible in your country, considering, for example, the health context, existing nutrition policies and whether the current legal and political context would support its development.
- **The development phase** – the steps required to develop the content of a new FOPNL policy, including determining the purpose of the label, its design, how it scores foods, as well as who should be involved in its development.
- **The importance of understanding and managing international trade law**
- **The adoption and implementation phase** – navigating potential challenges to the new policy to ensure it is adopted and put into practice in your country.
- **The monitoring and evaluation phase** – making sure the new FOPNL is operating effectively to deliver the policy objectives.
- **Participating in global policymaking for FOPNL** – beyond supporting domestic policy, ensuring that public health voices are heard in the development of international Codex guidance on FOPNL.

At each stage, we offer suggestions for the potential role of UNICEF in supporting countries to implement evidence-based FOPNL policies with maximum public health impact. We also suggest additional relevant resources.

This guidance can only go so far in helping you to navigate the FOPNL policy process. We recommend that you reach out to your regional office colleagues when an opportunity to advocate for FOPNL arises. They will also be able to connect you with nutrition and legal specialists in the Nutrition Section, Programme Division (PD-Nutrition) for advice and support.

The UNICEF context

Overweight and diet-related non-communicable diseases (NCDs) are on the rise across the world and are increasing particularly rapidly in low- and middle-income countries. These conditions often co-exist with other forms of malnutrition, such as stunting, wasting and micronutrient deficiencies. In 2017, to address this ‘triple burden’ of malnutrition, the prevention of overweight in children and adolescents was integrated into the ‘UNICEF Strategic Plan, 2018–2021’ as part of Goal Area 1: Every child survives and thrives. Since then, the ‘UNICEF Nutrition Strategy 2020–2030’ has restated the importance of efforts to prevent overweight and obesity as part of its work on the prevention of all forms of malnutrition.

UNICEF Programming Guidance on the Prevention of Overweight and Obesity in Children and Adolescents (UNICEF Programming Guidance promotes a step-by-step approach to country-level action, beginning with a situation analysis and followed by country-level support for a package of interventions made together with government and other counterparts. The first of the recommended actions for country-level support is:

‘1. Improve the enabling environment, including policies, regulatory frameworks and strategies and accompanying monitoring and enforcement measures.’

The UNICEF Programming Guidance recommends improvements of the enabling environment through the comprehensive implementation of a set of mutually supportive policy and regulatory actions to improve children’s food environments that includes, among other things:

‘c. Adoption of front-of-pack nutrition labelling requirements that identify foods that are high in salt, sugar and fats.’

For the purposes of this work, we explore a range of FOPNL systems currently being implemented worldwide and the existing evidence to support their performance. This includes labels that separately identify fat, salt and sugar content as part of their design, and those that combine information on these nutrients and other food components into an overall evaluation of nutritional quality.

Introduction to front-of-pack nutrition labelling

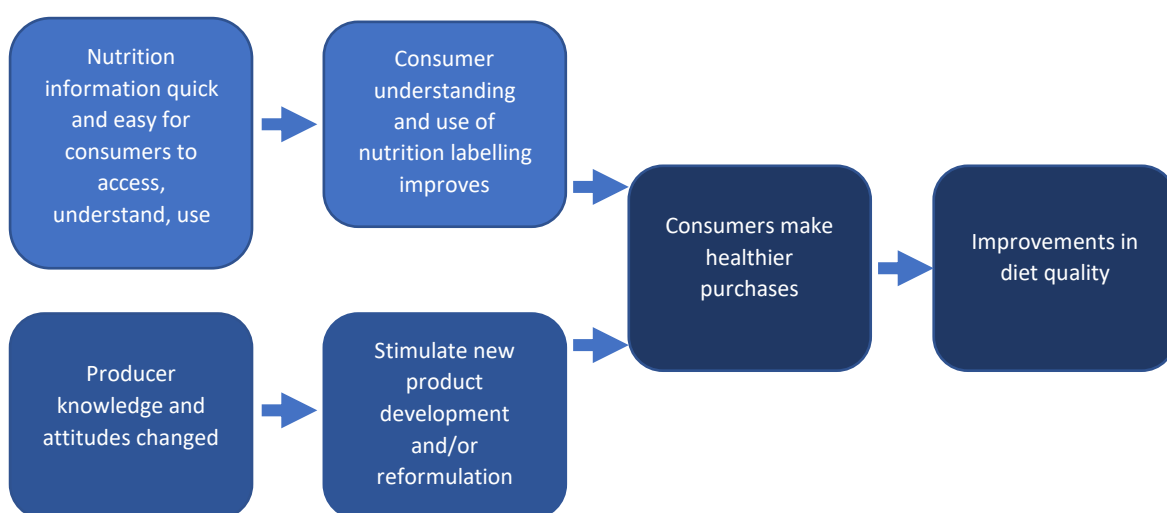
What are front-of-pack nutrition labels and why are they used?

Unhealthy diets – high in things like salt, added sugars, and harmful trans and saturated fats, and low in things like fruits and vegetables, whole grains, fibre and micronutrients – contribute to overweight, obesity and diet-related NCDs, and are a leading cause of death and disability globally (1). The unprecedented availability, accessibility and affordability of processed and pre-packaged foods is a key driver of the increase in unhealthy diets. Increased consumption of these products is also associated with some forms of undernutrition.

As part of a comprehensive policy response to promoting healthier diets, the World Health Organization (WHO) recommends that governments implement FOPNL (2-9). Simple, graphical FOPNL provides at-a-glance information on nutritional quality on the front or primary display panel of foods and beverages (hereafter 'foods'). They are designed to complement and interpret detailed nutrient declarations that are now implemented on the back-of-pack in most countries, often on a mandatory basis (10).

A growing body of evidence suggests that FOPNL can aid consumer understanding of nutritional quality, encourage selection and purchase of healthier foods, and promote reformulation by industry (11-14). FOPNL may impact both consumer and food company (producer) behaviour in parallel to deliver potential improvements to diets that will benefit population health (see Figure 1).

Figure 1. A simple logic model of effects of FOPNL on consumers (top) and producers (below)



Importantly, the adoption and implementation of FOPNL has also been confirmed as a rights-compliant response (15). States should ensure that the marketing and advertising of foods do not have adverse impacts on children's rights by adopting appropriate regulation. This will ensure that the food industry uses clear and accurate product labelling and information to allow parents and children to make informed consumer decisions (16).

Policy action to date worldwide

At least 32 governments worldwide have now endorsed some form of FOPNL (17). Some jurisdictions have more than one FOPNL system (for example, Israel has both red warnings for specific nutrients and a green endorsement logo), and some labels operate in more than one country (for example, Australia and New Zealand share the Health Star Rating system).

Sweden was the first to introduce a green 'Keyhole' logo in 1989, but the majority (23/32) of policy actions taken by governments have occurred since 2010. In 2021, more countries, including Argentina, Canada, Fiji, Guatemala, India, Portugal and South Africa, were reportedly considering FOPNL, highlighting the need to share regulatory best-practices (18, 19).

Figure 2. FOPNL uptake worldwide in 2021 by label type and voluntary/mandatory status

	Nutrient-Specific Systems		Summary Indicators	
	Non-interpretive	Interpretive	Interpretive Positive signpost	Spectrum rating (includes positive and negative signposting)
Mechanism	Use numerical information to quantify nutrients as a proportion of recommended daily intake without making evaluation.	Use meaningful colour, words and/or symbols to evaluate nutrient levels across broad categories (e.g., food, drink).	Use symbols, words, and colour (not necessarily meaningful) to evaluate overall healthier options within category.	Use customizable continuum to evaluate overall healthiness across broad categories (e.g., food, drink, oils, dairy); varied use of words and colours.
Illustrative examples	<p>Reference Intakes (European Union)</p> <p>Energy Icon (Malaysia)</p>	<p>Traffic Light Label (Ecuador)</p> <p>Stop-sign Warnings (Chile)</p>	<p>Nordic Keyhole (Denmark, Lithuania, Norway, Sweden)</p> <p>Choices Logo (Czechia, Poland)</p>	<p>Nutri-Score (Belgium, France, Germany, Spain)</p> <p>Health Star Rating (Australia, New Zealand)</p>
Governments endorsing mandatory legislation	Thailand	Brazil, Chile, Ecuador, Finland, Islamic Republic of Iran, Israel, Mexico, Peru, Sri Lanka, Uruguay		
Governments endorsing voluntary framework	European Union, Malaysia, Philippines	Republic of Korea, United Kingdom	Belgium, Brunei Darussalam, Croatia, Czechia, Denmark, Finland, Iceland, Israel, Lithuania, Malaysia, Nigeria, Norway, Poland, Singapore, Slovenia, Sweden, Thailand, United Arab Emirates, Zambia	Australia, Belgium, France, Germany, Luxembourg, New Zealand, the Netherlands, Spain

Existing authoritative guidance, including from WHO, supports government-led action on FOPNL, but does not specify that countries should use a particular type of label. A variety of FOPNL systems are currently operating in different countries. These are grouped broadly by label type (see Figure 2). There is now clear evidence that some FOPNL types are *not* useful for consumers – particularly nutrient-specific non-interpretive labels (see Figure 2, column 1). These types of labels include Reference Intakes in Europe, also called Guideline Daily Amount (GDA) labels in other places. In 2021, most policy innovation occurred in nutrient-specific interpretive labels, particularly ‘high in’ stop-sign style warnings (see Figure 2, column 2), and summary indicators in the form of interpretive spectrum ratings, particularly Nutri-Score (see Figure 2, column 4). The emerging evidence for different types of FOPNL, and specific elements of their policy design, will be discussed further in this guidance.

What is known about what ‘works best’?

Rapid policy innovation and the relatively recent uptake of FOPNL means that both experimental and real-world evidence to support different types of FOPNL continues to evolve.

For UNICEF purposes, there are several key learnings from current evidence that should be conveyed to Member States considering the development of new FOPNL. These include:

a) The need to select an interpretive label format

There is strong evidence that *interpretive* labels (i.e. those that provide evaluative judgements about foods using meaningful colours and/or symbols) perform better than non-interpretive labels (see Figure 2, column 1). For FOPNL to improve consumer understanding and use of nutrition labelling, policymakers must avoid non-interpretive label formats such as the industry-preferred Reference Intake or Guideline Daily Amount label. These labels are typically monochrome and use numbers and percentages without making any judgment on the healthiness of foods.

b) The need to select a format that signposts product unhealthfulness

The past five years have brought rapid innovation and uptake of labels that identify unhealthy products, and thereby have potential to direct consumers away from particular foods (e.g. by using a stop-sign logo, red colouring to signal ‘stop’, or a low rating)(19). The evidence to support this newer approach has also meant that there has been a parallel shift away from ‘softer’ positive signposts such as Healthier Choice symbols that only signal healthier options within a category and may encourage consumers to overestimate healthiness or generate a price premium on healthier foods (see Figure 2, column 3) (20). Types of FOPNL with *potential* to signpost unhealthy products include nutrient-specific warnings (see Figure 2, column 2) and spectrum ratings (see Figure 2, column 4) which signpost both healthy and unhealthy foods. In the real-world, nutrient-specific warnings are now highlighting products that are high in salt, sugar, and harmful fats in the six countries that have implemented them (see Figure 2). Spectrum ratings are currently only used in voluntary form and it appears that they are being used selectively by manufacturers, meaning that they have so far been less effective in practice at highlighting unhealthy products than they could be if they were implemented on a mandatory basis (see section below).

c) **Mandatory implementation provides consumers the full benefit of FOPNL**

Some types of FOPNL (e.g., nutrient-specific warnings) require mandatory implementation through legislation given the lack of commercial incentive for companies to display information that discourages consumption on a voluntary basis. At least 10 countries now have mandatory FOPNL. However, many FOPNL systems worldwide remain voluntary, typically implemented through government-issued rules and political directives that the industry voluntarily apply to their products (see Figure 2). This includes spectrum ratings in Australasia (Health Star Ratings) and Europe (Nutri-Score). While spectrum ratings hold potential to signpost *un*healthfulness (i.e., by demonstrating that a product scores badly), evidence from over five years of uptake in Australia suggests that in a voluntary form, FOPNL has been applied selectively by most manufacturers; it has been used to highlight ratings where products score well, but not used (i.e., consumers are not informed) when products score poorly (21). Similar patterns have been observed in early uptake of the Nutri-Score in Belgium (22). This suggests that where it is legally feasible to do so (see more below) countries should pursue mandatory FOPNL to ensure that labels work for consumers, and not just for food companies.

While following these lessons will support countries to develop progressive FOPNL, it should also be recognized that labels that meet the characteristics above have attracted increased resistance from industry. This resistance can be seen, for example, in legal challenges launched or threatened under domestic and international law, including in committees of the World Trade Organization (WTO) (see section ‘Understanding and managing international trade law issues’).

This makes it important for stakeholders, including UNICEF, to support policymakers to strategically design and implement best-practice, evidence-informed FOPNL policies that are less likely to be successfully contested by industry and more likely to achieve public health impact. In addition, UNICEF needs to work with civil society and academia on strategic advocacy.

The preparation phase

Before launching into detailed in-country support on FOPNL, an important first step for each country is to assess the rationale and feasibility of developing and implementing a new FOPNL system as part of a broader policy response to promoting healthier diets. The ‘UNICEF Landscape Analysis Tool for the Prevention of Overweight and Obesity’ provides detailed guidance to UNICEF offices on how to do a mapping exercise. Here, we only summarize key elements that are particularly helpful if an opportunity to work on FOPNL arises.

Identifying the public health problem

An understanding of the nutrition and health status of your country is necessary to justify implementing an appropriate policy response. Collecting data on a country’s health context will provide the scientific rationale for pursuing policies that promote healthier diets, including FOPNL. This data will also provide a useful baseline for future evaluation of any policy change.

To build public and political support for policy change, available data should be collated, summarized and made publicly available. While it is important for countries to use available data to put their ‘best foot forward’ in building the public health case for FOPNL, additional research is likely needed to fully inform the FOPNL policy process as most countries are likely to have at least some data gaps. This could include, for example, local evidence to highlight current understanding and use of existing nutrition information on food. That said, where resources do not allow, the global evidence base on

the issue of childhood overweight and obesity, the increasing burden of diet-related disease globally, and the importance of FOPNL as a policy tool can all be used to avoid delaying further action.

Question for UNICEF staff: What evidence of the health context is already available or easily collected in your country? Types of potentially relevant evidence are set out below for consideration (see Table 1).

Table 1. Potential data sources to assess the national need for FOPNL and healthier diets policies more broadly

	Available? Y/N
<p>Health and economic burden of NCDs</p> <ul style="list-style-type: none"> - Prevalence of overweight and obesity (in children, adolescents and adults) - Prevalence of diet-related NCDs such as heart disease, type 2 diabetes, dental caries - Difference in prevalence between groups (e.g., by socioeconomic status) - Is the country on or off track to achieve WHO targets on overweight and obesity? - Direct and indirect costs of these conditions on the health system and/or society 	
<p>Dietary intakes</p> <ul style="list-style-type: none"> - Proportion of packaged foods that make up the diet and the proportion of these that are ultra-processed - Consumption of sugar-sweetened beverages, confectionery and salty snacks - Information on excess energy intake and key nutrients of concern (e.g., sodium, harmful fats, added/free sugars), and inadequate intake of beneficial food components (e.g., fibre, micronutrients) - Information on intake of unhealthy foods and beverages (e.g., sugar-sweetened beverages, ultra-processed snack foods) and lack of intake of healthy foods (e.g., fruits and vegetables) - Differences in intake patterns between groups (e.g., by age, socioeconomic status), including for children, that may help build the case 	
<p>Nutrition and health literacy</p> <ul style="list-style-type: none"> - Current understanding and use of back-of-pack nutrient information and any existing FOPNL systems (e.g., existing GDA label, Healthier Choice symbol) - Differences in nutrition and health literacy between various socioeconomic groups 	

Understanding the existing nutrition policy context

Improvements to nutrition labelling are only one part of the policy package recommended to address unhealthy diets and prevent overweight and obesity. An understanding of the existing nutrition policy context in your country is necessary to both: a) situate FOPNL as part of a package of government actions and determine whether it is appropriate to pursue a new FOPNL system as a priority action at this time, and b) promote alignment between nutrition policies to enhance their effects.

a) Situate FOPNL as part of a package of government actions

No single intervention will provide a cure-all for the prevention of overweight or diet-related NCDs. This makes it important that any new FOPNL system is recognized as part of a package of planned government actions in this area. Development of FOPNL is more feasible when supported by a nutrition policy framework that recognizes the need to promote healthy diets for nutritional well-being and NCD prevention, and where the provision of nutrition information to consumers is identified as one of the key actions required.

Questions for UNICEF staff: Does your country have a written strategy, action plan or policy that addresses overweight and obesity (e.g., specific obesity plan, comprehensive nutrition policy, NCD or health plan, food strategy, etc.)? Does this specifically include goals, objectives or indicators related to childhood overweight and obesity? Are there any regional strategies or action plans (e.g., from a regional integration organization or multilateral body) that recommends/encourages FOPNL?

b) Promote alignment between nutrition policies

Any new FOPNL should be aligned with other national public health and nutrition policies and relevant international guidance(9). Coherent and coordinated policies create an enabling environment for healthy choices (through availability, affordability and appeal of foods) and provide consistent information to consumers.

Questions for UNICEF staff: What existing nutrition policies are already operating in your country (e.g., school food standards, food marketing restrictions, taxes on sugar-sweetened beverages)? Is there a government-endorsed nutrient profile model (e.g., used to restrict marketing foods to children or to classify foods for front-of-pack labelling)? Could you use the nutrient profile model from these policies to underpin the definition of healthy or unhealthy in any new FOPNL?

If your country does not yet have mandatory back-of-pack nutrient declarations, it would be strategic to pursue this concurrently with FOPNL. Where there are remaining gaps in nutrition policy in your country, there may be opportunity to implement FOPNL in parallel with other interventions for maximum effect (see section 'The development phase').

Understanding the national legal context

Before developing a new FOPNL system, it is important to understand if there are existing laws operating in your country that could impact such development. A high-level understanding of legal issues is useful for public health stakeholders to enable them to spot potential challenges and seek further specialist advice where necessary.

Each country context will differ; however, the table below sets out some preliminary questions that UNICEF staff could ask to inform their understanding of the local legal context. The presence of existing laws does not necessarily prevent development of a new FOPNL but it does provide relevant context for how to proceed (see Table 2).

Table 2. Questions to inform your understanding of the national legal context

<i>Questions for UNICEF staff</i>	<i>Potential relevance of this information</i>
<p>Are there existing national laws relating to nutrition labelling (e.g., nutrient declaration on the back-of-pack)?</p>	<p>If yes, what type of law is this requirement embedded in? Is it part of food safety legislation, consumer protection law or somewhere else? This will provide clues as to where any new FOPNL regulation could fit into national regulation, and the government departments or agencies likely to be involved.</p> <p>If a country does not yet have mandatory nutrient information on the back-of-pack, it may be strategic to introduce this at the same time as FOPNL to provide information necessary to support implementation, monitoring and enforcement of the new policy.</p>
<p>Are there any pre-existing FOPNL policies in your country (e.g., positive endorsement logo or GDA label)?</p>	<p>If there is existing FOPNL (whether introduced by government, industry or non-governmental organizations), it will be necessary to gather evidence about its performance to justify amending, strengthening or replacing the existing law entirely. If the FOPNL is government-led, it may also be necessary to gain the support of the sections of government that were responsible for developing and implementing the existing label as they may be reluctant to see it abandoned.</p>
<p>Are there any provisions in the national constitution that limit a government's ability to regulate the contents of food labels (e.g., limits on restricting commercial speech)?</p>	<p>It is important to note that this is unlikely, and most governments can implement a variety of food labelling regulations. Local legal experts can provide advice about how to draft the law strategically to maintain compliance with any restrictions.</p>
<p>Are there any existing national or international legal obligations that strengthen the case for your country to implement FOPNL?</p>	<p>For example, if your country is a signatory to the Convention on the Rights of the Child, or the International Convention on Economic, Social and Cultural Rights, you may be able to advocate for implementation of FOPNL as part of a right-compliant response (15).</p>
<p>Is your country a signatory to international trade or investment agreements that will require them to take additional steps when implementing national policies that impact free movement of food across borders?</p>	<p>Most countries are now party to one or more trade or investment agreement. It is important to note that these agreements typically preserve space for governments to implement legitimate public health measures, even when they impact trade. However, new measures should be strategically designed to ensure they remain compliant with these agreements (23) (see section 'Understanding and managing international trade law issues').</p>
<p>Are there any other legal requirements that could prevent your country from pursuing <i>mandatory</i> FOPNL?</p>	<p>As noted above, mandatory FOPNL systems are recommended to provide consumers with the full benefit of improved labelling information. In each country, policymakers must determine whether any existing law prevents implementation of a mandatory label. For example, European Union (EU) legislation currently constrains EU Member States from applying mandatory national labelling requirements because of single market rules (24). In this case, a mandatory label would have to be adopted at EU level and implemented by all EU Member States. In 2020, the EU announced that they are considering standardized mandatory EU wide FOPNL (25). Where a mandatory label is not legally possible, voluntary FOPNL can be pursued, noting that implementation to date suggests voluntary FOPNL are unlikely to maximize public health benefits.</p>

Further resources on this topic:

- a) Thow, et al., '[Nutrition Labelling is a trade policy issue: lessons from an analysis of specific trade concerns at the WTO](#)', *Health Promotion International*, vol. 33, no. 4, August 2018, pps. 561-571.
- b) Pan-American Health Organization and World Health Organization, '[Front-of-package labelling as a policy tool for the prevention of noncommunicable diseases in the Americas](#)', PAHO, Washington, 2020, pps. 24-26.

Understanding the current political context

The feasibility of developing and successfully adopting new FOPNL also depends on sufficient political and public support as part of the government's wider response to overweight, obesity and unhealthy diets. As described above, the 'UNICEF Landscape Analysis Tool' can be used to do this assessment as it provides guidance on stakeholder analysis to determine different stakeholders' interest, influence and position on the issue. However, when a specific opportunity arises for FOPNL – mid-programme cycle – then a specific analysis may be needed.

The table below provides a template to map the current position (if known) of different stakeholders relevant to the FOPNL process. An understanding of the political landscape can be used to gauge support, identify and engage with potential advocates or champions, and identify areas where further advocacy (public and/or private) is required to achieve the level of buy-in necessary from policymakers (see Table 3).

For example, if the Ministry of Health is supportive, but the Prime Minister or Ministry of Trade has spoken publicly about opposing new labelling requirements, it will be necessary to build multi-sectoral support using persuasive messages (e.g., by highlighting the cost of overweight and obesity and diet-related disease to the economy or using a child rights approach). If the Ministry of Health is required to lead FOPNL, yet are known to be disinterested in reform (e.g., because they recently invested capital in developing and implementing an existing FOPNL) then it may not be feasible to pursue a new FOPNL system at this time.

Exercise for UNICEF staff: fill in a version of the table below to highlight barriers and opportunities to successfully pursue a new FOPNL system in your country's current political context. The example below provides some potential answers for a fictional country. An empty version of this table is provided for you to populate with the relevant stakeholders in your country (see Appendix A).

Table 3. A sample stakeholder analysis to inform the political context for FOPNL

Stakeholder	Characteristics				
	Involvement in the issue	Interest in FOPNL (Low/Medium/High)	Influence/Power (Low/Medium/High)	Position (Supportive/Neutral/Opposed)	Impact of FOPNL on stakeholder (Low/Medium/High)
Ministry of Health	<i>Lead development of nutrition policies</i>	<i>High</i>	<i>Medium</i>	<i>Supportive</i>	<i>High</i>
President or Prime Minister	<i>Depends on party platform</i>	<i>?</i>	<i>High</i>	<i>?</i>	<i>?</i>
Food and Drug Authority	<i>Administers food regulations</i>	<i>Medium</i>	<i>Medium</i>	<i>Supportive</i>	<i>High</i>
Ministry of Trade/Economy/Industry	<i>Support policies that improve economy</i>	<i>High</i>	<i>High</i>	<i>Opposed</i>	<i>Medium</i>
Peak Industry Bodies (e.g., Grocery Manufacturers)	<i>Represents large manufacturers</i>	<i>High</i>	<i>High</i>	<i>Opposed</i>	<i>High (if strong FOPNL chosen)</i>
Grocery Retailers	<i>Profit from selling packaged foods</i>	<i>?</i>	<i>High</i>	<i>Neutral</i>	<i>Medium</i>
Public Health Advocates	<i>Support improvements to public health</i>	<i>?</i>	<i>Medium</i>	<i>Supportive (if evidence-based)</i>	<i>?</i>
Consumer Advocates	<i>Advocate for improved consumer information</i>	<i>?</i>	<i>?</i>	<i>Supportive (if evidence-based)</i>	<i>Medium</i>
Media	<i>Disseminate information on important issues to public</i>	<i>Medium</i>	<i>Medium</i>	<i>Neutral</i>	<i>Low</i>
Child Rights Organizations	<i>Advocate for children's rights</i>	<i>?</i>	<i>Medium</i>	<i>Supportive</i>	<i>Medium</i>

Case studies: making the most of political windows of opportunity

A. Drawing upon the Minister’s personal interest in obesity prevention to develop a dual label – Israel

In Israel, the General Manager of the Ministry of Health was an accountant who developed a strong personal interest in preventing obesity after living in the United States with his family and witnessing the impact of childhood overweight and obesity there. When he returned to Israel he established a committee to address the challenge of obesity. This committee had a series of meetings with input from leading international academic experts who presented evidence on global policy innovations, including FOPNL. Political momentum was translated into two new complementary FOPNL systems: a red nutrient-specific warning label and a positive endorsement label. This positive endorsement label appears in a green colour on the shelf near unpackaged healthy foods, and on healthier packaged foods which meet both nutrient criteria and are not ultra-processed using the NOVA classification – a system that classifies foods according to the nature, extent and purposes of industrial processing they undergo (27). Staff within the Israel Ministry of Health forged close relationships with counterparts in Chile who had recently implemented nutrient-specific warnings and drew on this experience throughout the development process in Israel.

B. Replacing ineffective FOPNL with a new label after a change of government – Mexico

In 2014, the Mexican government adopted a mandatory GDA style label. From the outset, public health advocates were concerned with the adoption of this label, given that it was not sufficiently evidence-based and it had not been developed transparently or with adequate input from independent public health experts. In the years that followed, they launched a multi-faceted strategy to progress reform. This included research experiments showing that even nutrition students were not able to correctly use the GDA label. Questions about consumer comprehension of the GDA were also inserted into the national nutrition survey. Civil society groups launched an (ultimately unsuccessful, but high profile) legal case against the government, arguing that the GDA did not comply with the right to access to information. Together, these efforts drew media attention to the problems with Mexico's labelling system. When a new national government was elected, health and consumer groups used strong relationships with newly elected officials to ensure that FOPNL was placed on the new government's policy agenda. Their advocacy for a nutrient-specific warning label was now bolstered by growing regional momentum for this type of FOPNL. Despite ongoing industry opposition, support from academia and civil society groups, including child right's organizations, helped to build multi-sectoral government support for a new nutrient-specific warning label, which was adopted and entered into force in October 2020 (see section 'Building public support and civil society engagement' for more information on UNICEF's role in supporting Mexico).

C. Breaking ground as the first country to implement a nutrient-specific warning label in 2016 – Chile

In Chile, there was strong conviction from authorities and members of parliament regarding the urgent need to find a solution to problems related to excess weight and obesity in the population. The Ministry of Health worked with the Ministry of Education and eventually also Ministries from the economic sector to build strong political will to adopt a mandatory, multi-faceted law that addressed not only labelling, but also marketing and school foods. They were supported by academics and international organizations, including UNICEF, through the entire formulation and application process for the new Act, who developed, pooled and distributed data justifying the passing of the law. See also: WHO and FAO, [Approval of a New Food Act in Chile, Process Summary \(28\)](#).

Reach out to your regional office colleagues for further assistance in collecting the necessary information required in this preparation phase. They will also be able to connect you with nutrition and legal specialists in PD-Nutrition for advice and support.

The development phase

Once it has been established that policy reform is feasible, development of a new FOPNL system can proceed. At each stage of the FOPNL development process, it is important to consider *what* needs to be done, and *who* should be involved in best-practice policymaking to support evidence-informed outcomes. There are eight steps to consider in this phase.

1. Determining country-specific aims and regulatory objectives

Before considering different label types, it is first necessary to determine aims and objectives of FOPNL in your country so that a ‘fit-for-purpose’ FOPNL system can be selected and refined. WHO recommends that government retain ultimate responsibility and authority for setting the regulatory aims and objectives (9).

Broadly speaking, the aim of FOPNL is to improve consumer understanding and use of nutrition information to support healthier choices. However, different FOPNL systems may achieve this in slightly different ways.

The aim of FOPNL may be tailored on a country basis using the findings of the preparatory phase. Health or nutrition issues to be addressed by labelling may be drawn from data on the national health context, and the emphasis of any existing nutrition policies. For example, a focus on reducing consumption of specific nutrients and/or a focus on reducing the consumption of ultra-processed foods in favour of minimally processed items.

With the support of legal drafters in the government, these aims need to be converted into carefully drafted regulatory objectives in proposed FOPNL legislation. The objectives of regulation provide the basis for measuring future policy success. This applies to routine policy evaluation and is also relevant in the event of any legal challenge where the effectiveness of FOPNL is questioned (e.g., in international trade committees (see section ‘Understanding and managing international trade law issues’), or in national courts).

This means the objectives of FOPNL should be drafted strategically to reflect clear, measurable pathways of effect (e.g., changes in consumer understanding and behaviour and/or food composition demonstrable by short-term evaluation) (17). While improved food labelling may contribute to broader goals (e.g., the prevention of NCDs or longer-term changes in overweight and obesity prevalence in children and adults) difficulty in producing short-term evidence of these outcomes make them less suited as an explicit objective of FOPNL when it comes to drafting regulation (18, 23).

In a 2019 survey of current FOPNL practices, all regulations included a consumer-focused objective (e.g., informing consumers, enabling them to make healthier choices). Around half of all FOPNL systems also contained an explicit objective of incentivizing food industry reformulation (17).

Once the objectives of the proposed new FOPNL system have been set, they should be made transparent and easily accessible to all stakeholders following the policy process.

Examples of regulatory objectives:

- Uruguay Executive Decree No. 272/2018 on the labelling of packaged foods

‘... provide objective information, through a simple and accessible tool that allows consumers to identify packaged foods with excessive content of nutrients associated with overweight, obesity and non-communicable diseases’ (29).

- Mexico Official Mexican Standard Nom-051-SCFI/SSA1-2010 general labelling specifications for prepacked food and non-alcoholic beverages

'... establish a front-of-pack labelling system which must warn clearly and truthfully about the content of critical nutrients and ingredients that pose risks to your health in excessive consumption.'

- Australasia Health Star Rating (30)

'... provide convenient, relevant and readily understood nutrition information and/or guidance on food packs to assist consumers to make informed food purchases and healthier eating choices.'

- Chilean Law No 20.606 on the Nutritional Composition of Food and Food Advertising (31)

Overall objectives are to *'protect boys and girls from the effect of malnutrition by excess'* and *'help consumers to better understand the nutritional information on foods.'*

Specific objectives include *'protecting the health of boys and girls; favouring informed food choices; and decreasing the consumption of food that is high in calories, saturated fat, sugar and sodium'* (32).

It is also important to document how the regulatory objectives relate to the public health problem identified in the preparation phase, whether or not this is included in the language of the law or regulation itself. Here is a hypothetical example that could be expanded upon with country-specific details and objectives:

- NCDs are the primary cause of death and disease in [country] and have high social and economic costs.
- Common behavioural risk factors include unhealthy diets and physical inactivity, which contribute to overweight and obesity.
- Specifically, consumption of foods high in sugar, salt and saturated fats has increased and been associated with a range of NCDs.
- The **objective** of this FOPNL measure is to provide easy-to-understand information to help consumers make healthier food choices and to reduce consumer deception by:
 - Increasing consumer awareness / comprehension of foods high in sugar, fat, and salt;
 - Impacting consumer preferences;
 - Incentivizing product reformulation by industry; and
 - Discouraging consumption of foods high in sugar, sodium and saturated fat.

Questions for UNICEF staff: What are the proposed regulatory objectives? Is there sufficient regulatory capacity in your Ministry of Health to draft legally robust objectives that could be demonstrated by evidence in the short-term?

2. Establishing a government-led process, including stakeholder engagement

Government-led FOPNL is perceived as more credible by consumers(20). Once the objectives have been set, government-led stakeholder engagement during policy drafting is important to facilitate the development of feasible and acceptable regulation(9). At the same time, there is a need to ensure that public health policymaking is conducted with safeguards in place to appropriately manage potential conflicts of interest (33).

The process of developing FOPNL regulation may depend upon standard lawmaking procedures in your country (for mandatory FOPNL), or any standard procedures for health policymaking (for voluntary FOPNL). Broadly speaking, common features of the *process* include:

- **Establishment of technical working groups**

Formal working groups can be used to facilitate research and policy drafting to operationalize the regulatory objectives. Working groups can take various forms. In some countries, government representatives lead committees with multi-stakeholder representation from experts in nutrition, health policymaking and other relevant areas. In other countries, an independent expert advisory committee was formed to carry out the work separately and make recommendations to the government (17). Some current examples of FOPNL developed worldwide have included the food industry as part of the technical working groups. This type of collaborative arrangement creates the risk that health objectives could be undermined by commercial interests. For this reason, UNICEF does not recommend that industry be included in working groups. With regard to developing the nutrient profile criteria in particular (see section below), WHO specifically recommends that industry not be involved (9).

To promote transparency, the agendas and meeting reports of working groups should be made publicly available.

Questions for UNICEF staff: Are the proposed members of any technical working groups appropriately qualified to contribute to the development of FOPNL? Are there procedures for declaring and managing potential conflicts of interest to ensure health objectives are not undermined by competing commercial interests?

- **Processes for formal public consultation on the proposed regulation**

As part of standard lawmaking, and to support due process, governments typically allow opportunities for public consultation. At a national level, this may include providing a draft FOPNL regulation to the public and inviting written submissions from all stakeholders for a time-limited period. Consultation will allow all stakeholders to provide feedback on the draft regulation. For example, it may provide industry with the opportunity to raise any legitimate technical concerns they have about implementing the proposed regulation. Government is required to receive all relevant submissions but is not required to respond to each piece of feedback or meet with every stakeholder. To promote transparency, submitters should be informed that any submissions will be made public. Any submissions received can be made available, for example, on the government website.

Beyond consultation at the national level, WTO Member countries that are developing mandatory FOPNL systems are also required to notify and provide opportunity for their policies to be discussed with other WTO Member countries at the WTO's Technical Barriers to Trade

(TBT) Committee. Further details about this process are included in this guidance (see section 'Understanding and managing international trade law issues').

Opportunities for stakeholders to be consulted during policymaking should be distinguished from allowing industry to act as *collaborators* with government on FOPNL, given the risk of conflict of interest. Collaboration entails norms of reciprocity and input, whereas consultation generally confers only a right to be heard.

- **Procedures for safeguarding policymaking from conflicted interests**

In addition to limiting industry involvement in any working groups, and making written consultation submissions public, governments can take additional steps to promote consumer trust in the FOPNL development process.

For example, to mitigate the perceived and/or real impact of political lobbying, government ministries who meet with different stakeholders to discuss FOPNL can publish a communications log. This provides a summary of all meetings, written correspondence and phone calls from external stakeholders relating to the development of FOPNL. The communication log can record the contact person/organization, topic and outcomes, and be accessible on the government's website. Any documents discussed can also be made publicly available. This type of procedure was instituted during Canada's FOPNL development (34) and was adopted in Australia as part of the update to national dietary guidelines (35).

Further resources in this area:

- [World Health Organization, Draft approach for the prevention and management of conflicts of interest in the policy development and implementation of nutrition programmes at a country level, 2017.](#)

3. Selecting a FOPNL design that will achieve the desired objectives

For FOPNL to effectively promote healthier diets, policymakers must select a label design that consumers can understand and use.

As set out in the introduction of this guidance, current evidence supports labels that:

- Use **interpretive elements** such as symbols like stop signs and/or meaningful colours, like red and green or black and white, to show judgment or recommendation.
- Have the capacity to **identify unhealthy products**, which appears to be a more effective way to support consumers to choose nutritionally favourable products than only signaling healthier choices. It may also highlight healthier choices, thus providing both positive and negative evaluations.

Within these parameters, several FOPNL designs are available depending on the specific country objectives. Recent policy uptake worldwide has focused predominantly on two types of interpretive FOPNL. Overall spectrum ratings have been endorsed for voluntary use by six governments in Australasia and Europe where the objective pursued related to allowing consumers to select healthier choices between packaged foods. Over the same general period, five Latin American countries, plus Israel, adopted mandatory nutrient-specific warnings with the general objective of highlighting packaged foods that are high in nutrients that are of public health concern. There is a considerable body of experimental evidence to support both formats as suitable to achieve their

specific (albeit different) objectives. Voluntary implementation of spectrum ratings has had limited assessment of its potential impact in the real world.

When deciding on a 'fit-for-purpose' FOPNL approach in each country, technical working groups will need to consider:

- **Country-specific objectives** that should be determined by the government depending on the national nutrition context. For example, is the focus on guiding consumers towards healthier packaged foods, highlighting packaged foods that are high in nutrients of public health concern, or discouraging the purchase of foods with excess content of nutrients of public health concern?
- Recent **scientific evidence** of the effectiveness of existing systems.
- Whether to **adapt an existing system, or create a new one** (see also [WHO Manual](#), p. 19).

To assist country decision-making, in-country primary research should be used to test and demonstrate the performance of different FOPNL types in meeting the country-specific regulatory objective in the local population. This evidence will be critical in defending the decision to pursue a specific FOPNL design. It may be an appropriate role for UNICEF to support this research.

A variety of methodologies may be appropriate. For further information on study design see:

- WHO, [Guiding Principles and Framework Manual for FOPNL](#), Appendix 3 (all FOPNL types).
- Vital Strategies, [What's in our Food? A Guide to introducing effective FOPNL](#), Appendix 3 (warning labels).

The following studies highlight some of the different methods used to test which FOPNL design best meets different objectives:

- Which nutrient-specific warning label design most discouraged consumers from intending to consume products high in nutrients of concern? Smith Taillie, et al., [Designing an Effective Front-of-Package Warning Label for Food and Drinks High in Added Sugar, Sodium, or Saturated Fat in Colombia: An Online Experiment](#) (2020) *Nutrients*.

In this experiment, 2000 Colombian adults were randomly assigned to view one of four labels: a control (barcode), an octagon warning, a circle warning or a triangle warning. When asked which label would most discourage them from wanting to consume the product, the octagon warning label performed best. This type of study would be appropriate when the government's objectives are to help consumers identify and reduce the purchase and consumption of products high in nutrients of public health concern, and when there is indication of political support for a warning-style label.

- Which FOPNL design guides consumers towards healthier choices? Egnell, et al., [Objective Understanding of FOPNL: An International Comparative Experimental study across 12 countries](#) (2018) *Nutrients*

In this experiment, 1000 participants in 12 countries were randomized to one of five different label conditions (Health Star Ratings, Nutri-Score, Multiple Traffic Lights, Reference Intakes and Warning Labels) and asked to rank foods (three pizzas, three cakes, and three breakfast cereals) in order of nutritional quality. This kind of study design is useful to determine which FOPNL design is more effective in supporting consumers to rank the nutritional quality of products, or in other terms, which FOPNL design best guides them towards healthier choices among a variety of

similar products. In this study, Nutri-Score performed most favourably at achieving this specific objective.

4. Developing rules for how FOPNL should be displayed on pack

FOPNL design is not only a matter of testing and selecting the FOPNL logo to be used. It also involves testing and setting parameters that will enhance the visibility of that logo or graphic on pack.

Regulations can be used to specify requirements to enhance the visibility and salience of FOPNL on pack. These rules can be included in legislation and/or in an accompanying graphic design guide for industry to guide them in the adoption of the FOPNL.

Around two thirds of current FOPNL include at least some specifications for how the label should appear on pack (17). As a starting point, it is necessary to have clear specifications for what constitutes the 'front' or primary display panel of the package. Progressive examples from recent legislation, along with lessons from refined display specifications in settings such as tobacco control, suggest potential for new FOPNL legislation to be even more comprehensive in this regard.

As display requirements have the potential to be challenged by industry, guidelines should ideally be developed with support of legal experts, and where countries wish to implement progressive requirements it would be prudent to support these with evidence of how these requirements will enhance the achievement of the regulatory objectives. Local research could be conducted to support decisions about requirements such as:

- Minimum size requirements, or a requirement that the label occupy a minimum percentage of the primary display panel.
- Uniform placement of the label on pack (e.g., top right of primary display panel).
- Exact colours and fonts with reference to recognized standards.
- Space between different elements of the label (e.g., space between two or more 'stop-signs').
- Contrast between the label and the surrounding packaging area (e.g., a requirement for a white border or a blank space).
- Require the label to be separated from competing health or nutrient content claims.
- Removal of other marketing techniques (e.g., cartoon characters on products bearing warning label style FOPNL).
- Incorporate a specified government endorsement alongside the label to increase consumer trust (e.g., 'Ministry of Health').
- Incorporate additional standardized wording to reinforce how consumers should use the label (e.g., avoid excessive consumption).
- Ensure that labelling text is provided in two or more languages to ensure comprehension by all consumers, particularly vulnerable groups.
- Where application of stickers is allowed to ease the burden of re-packaging products for different markets, set requirements for their quality and the glue used to apply them (see section 'Understanding and managing international trade law issues').

For further information see:

- Jones, et al., Front-of-pack nutrition labelling to promote healthier diets: Current practice and opportunities to strengthen regulation worldwide, [Supplementary Online Appendix](#) for a detailed table of current practice (2019).

- Vital Strategies, [What's in our Food? A Guide to introducing effective FOPNL](#), Appendix 6 (warning labels).
- Nutri-Score [Corporate Graphic Charter](#) as an example of government documentation for how the label should be applied.

5. Setting nutrient profiling criteria and determining which foods are within scope

Food policies must define the foods to which they apply and justify how they will treat those foods. This requires some form of criteria. The term 'nutrient profiling' is used to describe the science of classifying or ranking foods according to their nutritional composition for reasons relating to preventing disease and promoting health (36). It may be useful to think of the broader concept of 'food profiling' to describe the emerging science of classifying or ranking individual foods according to nutritional composition *plus* other markers of healthiness (e.g., degree of processing, presence of additives). Future food profiling innovation could also involve, for example, including markers of ecological sustainability, such as carbon emissions, as part of policy efforts to promote healthy and sustainable diets.

To successfully achieve the regulatory objectives, the selected FOPNL design must be paired with a nutrient profiling criteria that appropriately and accurately evaluates nutritional quality and determines how the label will be applied in practice (i.e. which foods will carry which label).

- **Should new nutrient profiling criteria be developed or an existing model adapted?**

A large number of nutrient profiling criteria have already been developed by governments and UN agencies globally for various policy applications (37). For example, WHO regional offices have developed nutrient profiling criteria for the purpose of identifying foods that should not be marketed to children, including, for example, the model by the Pan-American Health Organization which has previously been applied to FOPNL in Mexico.

Your country may already have a nutrient profiling criteria developed for other policy or regulatory purposes (e.g., determining whether products are eligible to display health claims). An initial step for policymakers is to assess whether there are any existing criteria for classifying the healthiness of foods within your country, and if so, to assess whether they are appropriate for use in a FOPNL system. The considerations below will be useful in making this assessment, and/or developing a new nutrient profiling criteria where necessary.

- **Which stakeholders should be involved in setting nutrient profiling criteria?**

WHO Guidance on FOPNL specifically recommends that development of nutrient profiling criteria be led by government and protected from commercial conflicts of interest (9). It also suggests that this process be run separately and in parallel to broader stakeholder engagement on FOPNL. This recognizes that food industry stakeholders cannot provide objective feedback on any element of nutrient profiling that does not treat their products favourably.

- **Nutrients and/or food components to be included**

As part of a comprehensive approach to the promotion of healthy diets and prevention of overweight and obesity, nutrients and/or food components included in FOPNL should relate to evidence of diet-related NCD risk. WHO Guidance also suggests that they be focused on nutrients already required on the back-of-pack (9), largely for practical reasons. At this step, countries may wish to draw upon the evidence of their local health context collected in the preparatory phase.

Worldwide, current regulations most commonly include nutrients associated with increased NCD risk, including salt/sodium, saturated fat (or total fat where this is not labelled), added sugar (or total sugar where this is not labelled), and trans fat. Many also include energy content.

Some spectrum ratings (Health Star Ratings, Nutri-Score) also incorporate food components associated with decreased NCD risk such as fibre, whole grain, and fruit and vegetable content. There is ongoing consideration of whether micronutrients could or should be included in FOPNL to address ongoing undernutrition. Like other 'positive' components such as fibre, there is a need for caution here in allowing FOPNL to act as a marketing tool to highlight packaged sources of these components over their whole food counterparts (9).

Progressive inclusions in Mexico's new nutrient-specific warnings that may be of interest to other countries include non-caloric sweeteners and caffeine – both of which are warned against based on evidence that they are not recommended for children.

Given the increased evidence of the health harms of ultra-processed foods as a factor independent of nutrient content, countries are increasingly looking for ways to incorporate this classification (e.g., NOVA rating) into their scoring systems for FOPNL. One way this can be done indirectly is by setting rules around which foods are eligible to display FOPNL based on NOVA or the presence of added nutrients and ingredients (see determining eligibility below).

- **Determining how foods will be scored**

This will depend upon the type of FOPNL chosen. For example, nutrient-specific warnings or traffic lights will require nutrient thresholds to be set for each of the nutrients or additives chosen. One set of thresholds may apply to foods and another to beverages given their different density. Lessons may be drawn from thresholds currently implemented in other countries or WHO regional profiling models. Regulation can incorporate a series of lowering thresholds to be implemented over a longer period to encourage industry to progressively reformulate.

Spectrum labels use algorithms to summarize overall nutritional quality. For example, Nutri-Score combines points on seven food components to generate an overall rating from A-E in one of three categories (foods, drinks, oils). Development of these algorithms involves allocating points to different food components based on nutrient reference values and scaling these points overall to produce a final 'score' depending on the category.

- **Selecting a reference amount**

To produce meaningful scores, regulation must specify a reference amount of the product to be used in scoring the food. Most current FOPNL worldwide apply criteria per 100g/100mL, consistent with the WHO recommendation that this amount is most useful to facilitate standardized comparison between products (9, 17). In some older FOPNL, 'per serving' was used as a basis for nutrient profiling. This is not recommended as it creates potential for serving sizes to be manipulated by manufacturers, causing potential consumer confusion,.

- **Testing that nutrient profiling criteria are accurate and appropriate**

It is important to assess whether the nutrient profiling criteria correctly classify the healthiness (or unhealthiness) of products before the FOPNL is implemented in the market. This kind of research – also called 'validation research' – has not been well done or publicized for many

existing FOPNL systems (17). Weak nutrient profiling criteria have the potential to undermine the integrity and credibility of the system with all stakeholders. Even where nutrient profiling criteria appear valid overall, it is likely to produce anomalies or outliers that may attract criticism of the FOPNL system as a whole. This is particularly problematic in spectrum rating systems, such as Health Star Ratings or Nutri-Score, where products popularly perceived by consumers as unhealthy can obtain and display a relatively high rating. Validity testing is essential to provide insight into these anomalies before they appear on pack.

Different forms of validity testing can be considered, depending on resource available. At a minimum, governments should make the scientific basis on which the criteria were set publicly accessible. This promotes transparency and continuous improvement if anomalies or outliers appear during implementation (see [WHO Guiding Principles and Framework Manual](#), appendix 2, for further detailed information).

- **Determining which foods are within scope**

WHO Guidance suggests that FOPNL apply across most foods to facilitate product comparisons and to improve familiarity with the FOPNL system (9). Most current FOPNL systems worldwide align with this guidance and apply broadly to packaged foods and drinks that carry a nutrient declaration on back-of-pack (17).

Some FOPNL systems apply beyond packaged foods. For example, Israel's new green endorsement sign also applies to unpackaged fresh foods, where the FOPNL symbol is displayed nearby. In some countries, FOPNL also applies to menus of restaurants or catering services.

Your country may also wish to consider certain exclusions from FOPNL. Regularly excluded foods in current practice include infant formula products, as well as foods without a nutrient declaration (e.g., tea, coffee). There is ongoing debate about whether foods in small packages should be exempt. Chile and Mexico have developed smaller versions of their warnings to apply to such packages within space parameters.

Other exclusions are specifically designed to increase the focus of FOPNL on discouraging consumption of processed foods. For example, Chile, Mexico and Uruguay exclude products with no added sugars, sodium or saturated fats. This means that foods with intrinsic sources of these nutrients (i.e. whole foods) but with no added sources do not have to carry stop-sign warning labels. Similarly, in Israel, a new green endorsement logo cannot be used on foods that are categorized as ultra-processed in the NOVA categorization system, even if they are otherwise low in risk nutrients.

These examples suggest that there is some flexibility for countries to determine the national scope of their FOPNL system, provided decisions are justified by health evidence and apply equally to local and imported products.

Further reading on nutrient profiling criteria:

- WHO, [Guiding Principles and Framework Manual for FOPNL](#) (Appendix 2, including a case study on development of the Nutri-Score nutrient profile model). Gillon-Keren, et al., [Development of Criteria for a Positive Front-of-Package Food Labeling: The Israeli Case](#) (2020) *Nutrients*.

6. Setting sanctions for non-compliance

Policymakers need to consider and set sanctions for non-compliance with FOPNL regulation. These sanctions could be imposed on food manufacturers, and in some countries (e.g., Chile) responsibility has also been imposed on retailers and importers to ensure foods comply.

A range of possible sanctions are available and will depend on whether FOPNL is mandatory or voluntary. Some voluntary FOPNL systems required products to be licensed to use labelling prior to market. Nutri-Score requires manufacturers to register their use and agree to use the trademark correctly prior to applying it on pack, although this is a free and instant online process (17).

Most enforcement mechanisms apply once the product is in market. Governments can audit products on shelves on a random basis or in target categories (e.g., Chile prioritized products marketed to children) (17).

In current systems, sanctions for misuse of FOPNL vary widely. For some governments, the first step is to issue a written request for amendment to the manufacturer. In Ecuador, non-compliance with traffic light labelling could result in cancellation of a company's advertising permit. In the Republic of Korea, Sri Lanka and Uruguay, general sanctions under relevant Food Acts apply, for example fines and potential jail sentences. Even in voluntary systems, legal action can be possible, for example to prevent misuse of trademarked FOPNL logos (17).

For all systems, lack of identified information on whether sanctions are being used suggests there is potential to strengthen enforcement actions and/or improve the transparency of activities.

For further examples see:

- Santé Publique France, [Conditions on the Use of the Nutri-Score Logo](#), provides an example of conditions that can be applied by governments even on voluntary labelling.
- UN FAO, [Questions on the Chilean Food Act](#) (How is the law enforced, p. 26).

7. Designating an appropriate institution to administer FOPNL

To promote effective implementation, FOPNL regulations should be administered by government or an independent body with sufficient authority and resources to monitor and enforce regulation once it enters into force. This responsibility must be designated before implementation of FOPNL commences.

Most current FOPNL are administered by governments, typically by Ministries of Health, or food regulatory authorities (17). The administering authority can deal with enquiries and complaints, monitor uptake, and assist industry to apply regulation correctly by offering interpretation of the regulation where necessary. In low resource settings, government monitoring may be supported by monitoring from civil society or academic institutions to reduce government costs. In this case, it is important that the government ensures that any implementation partner is independent and free from conflicts of interest.

8. Linking FOPNL with other nutrition policies to enhance effects

No single action alone will be sufficient in addressing unhealthy diets. Policymakers, therefore, should support and frame FOPNL as part of a comprehensive package of measures to promote healthier diets. To maximize the public health impact, the terms of FOPNL (i.e., the nutrient profiling model) should be aligned with existing interventions in the country (e.g., food-based dietary

guidelines). It is also important for FOPNL to be supported by education campaigns to promote label use and/or broader nutrition messages (17). To find out more about communication strategies linked to FOPNL, see [Vital Strategies Report, Appendix 2](#).

There is potential for innovative regulation to extend the utility of FOPNL beyond the point of food purchase. At least six countries already integrate FOPNL with other interventions, including restrictions on unhealthy marketing, school food and other public procurement policies.

Case studies: policy innovation

- A. In 2016, **Chile** introduced a set of coordinated policies based upon a core nutrient profile that sets thresholds for saturated fats, sugars, sodium and energy per 100g/mL. The law requires products exceeding these thresholds to display one or more black ‘stop-sign’ shaped warning label stating that the product is ‘high in’ these nutrients, along with the words ‘Ministry of Health’ to emphasize that it is a government-led label. An accompanying education programme is integrated into the school curriculum. Products bearing warnings are also prohibited from being promoted to children under 14 years of age, or from being sold or provided in schools and nurseries. Restrictions on promotion include the label itself, such that products with warnings cannot use tactics that appeal to children such as cartoons on pack (31, 38). Evidence is emerging that these policies have led to reformulation around nutrient thresholds (39, 40), changes in child-directed marketing on pack (41), and a reduction in unhealthy marketing on television (42).
- B. In **France**, the Nutri-Score FOP label remains voluntary on pack due to provisions of European Union law. However, the French government has passed legislation that will require all food advertising in France to display the product’s Nutri-Score rating from 1 January 2021 (43). The French Senate has also proposed a tax on foods of poor nutritional quality, for example those classified as ‘D’ or ‘E’ by the Nutri-Score nutrient profiling system. It is proposed that tax proceeds will fund nutrition education and healthy food vouchers that people could use to buy fresh fruit or vegetables (44).

Where could this go further?

While there is ample recognition of the need for governments to implement integrated, multi-component food policies, few countries have yet tested or realized their potential benefits.

A core nutrient profile underpinning multiple food policy applications has the potential to enhance synergies between policies and create clarity for regulators, manufacturers and consumers (45). For example, a consistently applied profiling system can ensure a food signposted as unhealthy is not eligible for subsidies, nor advertised on public transport. Similarly, a manufacturer may be more likely to reformulate where an improved profiling ‘score’ creates opportunities for subsidies, marketing and favourable labelling, rather than only one of these outcomes. Together, these synergies enhance the likelihood of inducing a positive food-systems response (46).

Understanding and managing international trade law

Why is nutrition labelling a trade policy issue?

As part of international trade, food labels often cross borders. Where different countries have different labelling requirements, this creates 'technical barriers' to the free movement of packaged foods across borders. This means that mandatory food labelling policies fall under the remit of the WTO agreements, particularly the TBT Agreement.

Why is this relevant to countries developing FOPNL?

The food industry, directly or through governments, regularly uses international trade law arguments to oppose or delay country efforts to advance FOPNL policies. Whether threatened or real, this possibility of legal challenge can create 'regulatory chill', whereby governments are dissuaded from progressive health policymaking.

It is important to note that the TBT Agreement and other WTO agreements leave space for countries to develop and implement measures that are necessary for the protection of human health (for example, see TBT Agreement preamble).

Under the TBT Agreement, technical regulations that pursue a 'legitimate policy objective' (including protection of human health) are permitted but should be designed strategically. This ensures that regulations avoid discriminating between imported and domestically produced products, are not unnecessarily trade restrictive, and are based on international standards (where these exist).

Tips for designing FOPNL policies to meet international trade law obligations

Research by Thow, et al., (23) examines the existing discussions around FOPNL in international trade committees and suggests the following lessons for policymakers:

- **Frame the policy objectives strategically** – The objectives of FOPNL regulation need to be drafted carefully to justify that the measure is necessary to protect human health. They also need to be drafted in a manner that allows evidence of future policy success to be collected and provided (see section 'The Development Phase' for more information on drafting strategic objectives).
- **Strengthen policy processes to proactively identify potential trade issues** – This can be accomplished by engaging with national trade policymakers early during policy design to identify any trade concerns that could be easily resolved before a draft is notified (see further information on WTO notification below).
- **Minimize (where possible) potential trade restrictiveness** – There are opportunities to reduce trade restrictiveness of labelling requirements without compromising on the core public health elements of label design. For example, it may be possible to make implementation less burdensome to industry by using stickers and graduated implementation timeframes.
- **Engage with the Codex Alimentarius to develop international guidance on FOPNL** – One of the key challenges to progressive FOPNL policies is whether they are based on 'relevant' international standards. Current international food standards made by the Codex Alimentarius Commission (Codex) allow space for FOPNL but do not prescribe a particular type of FOPNL to use or provide other relevant details. Codex has slowly started to develop general guidance in this area. It is important that public health voices participate in this development given the strong industry presence in this forum (see section on participating at Codex below). This process is expected to take several years and will likely not result in any clear recommendation

for countries to use a specific type of FOPNL. It is important, therefore, that the process does not delay or prevent national policy innovation.

Making a notification to the World Trade Organization

In the case of mandatory FOPNL, countries that are WTO Members must notify the WTO's TBT Committee of their intention to adopt new FOPNL and provide details of the draft regulation to other WTO Members with an appropriate period for comment.

While the TBT Committee is made up of other WTO Members (and not industry actors), experience to date suggests it is likely that some countries (potentially representing industry interests) will issue objections to proposals for new mandatory FOPNL in this forum. To date, none of these objections have escalated to a formal legal challenge. Although this is highly unlikely to ever happen, the notifying country is still required to prepare a written response to any objections.

UNICEF can provide support to countries navigating the TBT process. For example, we may support countries to prepare a written response to any objections, drawing upon evidence collected during the preparatory and development phases. These responses commonly cover:

- The burden of NCDs and overweight and obesity in your country.
- Any existing national policy response or plan to address this burden, and the role of FOPNL as part of this response.
- International mandates for action, for example, the 'WHO Report of the Commission on Ending Childhood Obesity' (5), or the WHO 'Best buys' and other recommended interventions for preventing and controlling NCDs (3), all of which recommend governments to introduce FOPNL.
- Global evidence on the effectiveness of FOPNL.
- The specific objectives of the chosen FOPNL measure in your country.
- Reasons for selecting a particular type of FOPNL to achieve those objectives (e.g., results of any studies testing the performance of FOPNL in the population, as well as global evidence and experience from other countries).
- Reasons for selecting a specific nutrient profiling criteria.
- Reasons for applying or excluding certain foods from the FOPNL system.
- Any reasonable accommodations your country is willing to allow to minimize the impact of FOPNL on trade, for example, allowing importers to apply FOPNL in sticker form.

Examples of TBT Committee documents can be found on the WTO website. See for example:

- Notification from Israel to the TBT Committee of [proposed new FOPNL](#), April 2017.
- Statements by Uruguay to the TBT Committee in response to objections to proposed FOPNL, [March 2019](#) and [June 2019](#).

For further information:

- Thow, et al., [Nutrition Labelling is a trade policy issue: lessons from an analysis of specific trade concerns at the WTO](#), Health Promotion International, 2017.
- Global Health Advocacy Incubator, [Front of package labeling – preparing for and responding to international trade law arguments](#), 2019.

Reach out to your regional office colleagues for further assistance in undertaking the necessary analyses required in this phase. They can also connect you with nutrition and legal specialists in PD-Nutrition for advice and support.

The adoption and implementation phase

Once a comprehensive, evidence-informed FOPNL regulation has been drafted, adequately consulted on, and appropriately revised, government must finalize and formally adopt the new FOPNL so that implementation can commence. Requirements for adoption will depend on the legal system of your country for mandatory FOPNL and any requirements for government endorsement of health policy for voluntary FOPNL.

While finalizing the law, it is also necessary to continue building public support and civil society engagement for FOPNL to ensure that the policy is not weakened by potential industry challenges.

Building public support and civil society engagement

A broad coalition of civil society groups can bring more legitimacy and attention to the call for strong FOPNL. These groups can build community knowledge, generate public debate, highlight the need and right for clear labels, and demonstrate to policymakers the weight of community and public health support. They also have a role in synthesizing research on FOPNL locally and globally, explaining how labels can be implemented, and articulating public benefits (47).

Members of this group can also act as media spokespeople on FOPNL throughout the policy cycle and have the credibility to counter industry opposition. It is important that all those participating in the coalition are free from any conflict of interest (47).

Case study: UNICEF support to Mexico's new warning label

UNICEF's Nutrition Department supported Mexico in the lead-up to the adoption of their new label. The Ministry of Economy and Health formulated the label through a process that involved a wide range of participants, including academia, civil society and industry representatives. UNICEF provided technical contributions on how to develop adequate and easy-to-understand labelling for children and adolescents (48). Once the Mexican Senate approved the FOPNL, UNICEF issued press releases celebrating the initiative as one of the best in the world, based upon international experience and up-to-date science (49). In light of Mexico's overweight and obesity epidemic, UNICEF made a call for the government to bring the labels into force as soon as possible, accompanied by educational campaigns. This call was made again in March 2020, when the FOPNL system was provisionally suspended by the Judicial Branch of Federation. UNICEF called upon the judiciary to review its decision, so that the FOPNL could continue its approval course and be adopted as soon as possible (50).

For further information:

- UNICEF Blog: [The new Mexican labelling for girls, boys and adolescents. Information that each and everyone should know.](#)
- Twitter Video Series by UNICEF with children and adolescents ([here and here](#)).
- [Media coverage on CNN.](#)

The monitoring and evaluation phase

Structured and regular reviews ensure that a FOPNL system meets its objectives and supports continuous improvements. Evidence of FOPNL's impact may also need to be presented in the event of any legal challenge.

Best-practice suggests policymakers set a framework during the development of the new FOPNL that includes baseline data, performance indicators, and appropriate timeframes for measuring expected outcomes. Monitoring and evaluation can be conducted by government 'in-house' or delegated to an independent group (e.g., academic experts) with clear terms of reference and public funding. It needs to monitor outcomes necessary to demonstrate achievement of the regulatory objectives. For example, this could include:

- Changes in consumer understanding and use of nutrition information.
- Changes in the food supply as a result of new product development and/or reformulation.
- Changes in purchasing, where sales data are available and affordable to access.
- Industry uptake of the label and compliance with regulation.

Unfortunately, there has been limited systematic monitoring and evaluation of FOPNL systems implemented by countries to date (17). Government-supported monitoring of FOPNL was reported for just over half of current labels, and only one third of FOPNL had been subject to some form of evaluation (17). Some newer policies have shown improved practice. For example, in Australasia, governments appointed an independent reviewer with publicly available Terms of Reference to evaluate the Health Star Rating (30). Nutri-Score was implemented in France with publicly-funded evaluation using a variety of data sources (51). The Governments of Chile and Israel proposed evaluations in collaboration with independent academics (28). Israel planned to obtain sales data to strengthen its consideration of whether FOPNL was impacting food purchasing.

Specific evaluation of the nutrient profiling criteria at pre-specified intervals is necessary to ensure that regulation evolves with nutrition science (9). As with the initial development of nutrient profiling criteria, it is important this process remains independent and/or government-led, based on authoritative scientific evidence, and safeguarded from commercial conflicts of interest.

Questions for UNICEF staff: Has your country established a plan for government or independent monitoring and evaluation of FOPNL that uses appropriate methods to test achievement of the objectives? Is it sufficiently resourced? If not, how can UNICEF support this process?

Further reading:

- WHO, [Guiding Principles and Framework Manual for FOPNL](#), Appendix 3, Sections on Process, Impact and Outcome Evaluations.
- MP Consulting (Independent Reviewer) [Five Year Review of the Health Star Rating Final Report](#), May 2019. For more information on how Australian and New Zealand Governments responded to this evaluation, see relevant sections of the [Health Star Rating website](#).

Participating in international policymaking on FOPNL

Development of global guidance on FOPNL at Codex, the international food standards agency

In 2017, Codex began working to establish guidance for FOPNL to inform global policy action. To date, there has been significantly higher representation of food industry compared to public health actors in Codex discussions on FOPNL. While Codex processes can be slow-moving, it is important for public health actors, including UNICEF and the Member States it supports, to engage in this process to ensure positive outcomes for public health.

What is Codex, and why does its guidance matter?

Codex is a multilateral United Nations body responsible for work on international food standards. As a joint programme of WHO and the Food and Agriculture Organization of the United Nations (FAO), Codex's work balances dual and potentially competing objectives of protecting consumer health and ensuring fair practices in food trade.

Codex guidance has in the past been highly influential for national nutrition labelling policy, with countries often adopting Codex guidance directly into national law. An example of this is the widespread adoption of standardized nutrient information panels on the back-of-pack globally.

Codex is also significant because of its recognition as an international standards setting body by the WTO. This means that Codex documents can be referenced in international trade disputes. It also means that when WTO Members exceed Codex standards, they may have to provide additional scientific justification for their decisions.

What will likely be included in Codex guidance on FOPNL?

There have already been multiple rounds of discussion on FOPNL at Codex (see further reading at end). Available documentation suggests that the intention of this work is to provide some global consistency in the approach to FOPNL, but *not* to establish a specific global FOPNL scheme. ***This means that countries should not wait for any Codex recommendation on which FOPNL format they should use, or otherwise delay development of national legislation.***

Issues being considered in recent drafts of Codex work on FOPNL include:

- A definition of FOPNL and information on its broad purpose (including whether nutrient-specific warnings are considered a valid FOPNL).
- Recommendations on what kinds of food components (e.g., nutrients) should be included in FOPNL.
- Recommendations on which products should and should not carry FOPNL.
- Recommendations on who should be involved in developing FOPNL.

Who can participate?

Membership of Codex is open to all Members and Associate Members of WHO and FAO. Member countries have a designated 'Codex Contact Point', which may be situated in the Ministry of Industry, Agriculture or Health or in national standardization bodies. Members send delegations to Codex meetings that include government representatives from relevant ministries, and sometimes also include private sector or non-governmental representatives.

Intergovernmental organizations and international non-governmental organizations (including industry and public health stakeholders) may apply for official Observer status at Codex. Observers can provide expert input but not vote.

Of 225 current Observers at Codex, 72 (32 per cent) are intergovernmental organizations (including UNICEF), 140 (62 per cent) represent industry interests and only 13 (6 per cent) represent public interests (52).

Recommended actions for UNICEF staff

UNICEF staff can help to bring public health concerns to the attention of Codex decision makers by:

- Engaging with their national Codex Contact Point, for example, signing up to receive notifications and contributing to or supporting submissions to them on issues of public health significance.
- Supporting public health actors to participate in national delegations to Codex meetings.
- Supporting the work of UNICEF as an Observer at Codex (contact: Katherine Shats, NYHQ).

Further reading and resources:

- [Codex Alimentarius Commission](#) website, including list of national contact points and details of upcoming meetings.
- [Codex Circular Letter](#) summarizing work up to 31 October 2020 on FOPNL.
- Thow, et al., [Increasing the public health voice in global decision-making on nutrition labelling](#), *Globalization and Health*, 2020.
- Thow, et al., [Global Governance of front-of-pack nutrition labelling: a qualitative analysis](#), *Nutrients*, 2019.

Additional resources

While there is a significant body of literature on different elements of FOPNL that this report does not attempt to summarize in full, the following documents provide broad guidance for policymakers to supplement this report:

[WHO, Guiding principles and framework manual for front-of-pack labelling for promoting healthy diets \(2019\)](#). Issued in a pre-formatted final draft form in May 2019, these principles set out key considerations and steps that need to be taken in developing FOPNL. Various FOPNL systems have already been developed by different countries. Hence, it is important to learn from the experiences of others, adapting approaches where appropriate, taking into consideration the particular needs of a country, while recognizing the importance of global consistency. Codex is also in the process of undertaking work on FOPNL, and this manual will be an important resource for the Codex.

[World Cancer Research Fund, Building Momentum Report: Lessons on implementing a robust front-of-pack food label \(2019\)](#). This document provides advice to policymakers on designing and implementing nutrition policies in the face of various challenges caused by a lack of political will and industry interference.

[WHO, EURO Health Evidence Network Synthesis Report 61: What is the evidence on the policy specifications, development processes and effectiveness of existing front-of-pack food labelling policies in the WHO European Region \(2018\)](#) This report summarizes the evidence on development and implementation of FOPNL in Europe to support policymakers in navigating these processes.

Jones, et al., [Front-of-pack nutrition labelling to promote healthier diets: current practice and opportunities to strengthen regulation worldwide \(2019\)](#), *BMJ Global Health*. This paper systematically analyses characteristics of 31 existing FOPNL systems endorsed by governments worldwide to support policymakers to design and implement best-practice, evidence-informed regulation.

Vital Strategies and University of North Carolina at Chapel Hill, [What's in our food? A guide to introducing effective front-of-package nutrient labels \(2020\)](#). This is a guide for governments, researchers, civil society groups and other stakeholders engaged in the development of warning label-style FOPNL. It is built on previous experiences and outlines key considerations and lessons learned in the process of developing an effective warning label style FOPNL.

PAHO, [Front-of-package labelling as a policy tool for the prevention of noncommunicable diseases in the Americas \(2020\)](#). To support populations in the Americas in their efforts to meet WHO recommendations and protect them from the top risk factors harming their health and development, the regulatory objective of a FOPNL system should aim at allowing consumers to correctly, quickly and easily identify products that contain excessive amount of sugars, total fats, saturated fats, trans fats and sodium. This technical brief summarizes the evidence on the performance of FOPNL systems in meeting this purpose and provides a list of frequently asked questions about the nutrition warning system.

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Appendix A: Template for stakeholder analysis

Exercise for UNICEF staff: Fill in the table below to highlight barriers and opportunities to successfully pursue a new FOPNL in your country's current political context. This information can be used to inform next steps in building support for development and implementation of a robust FOPNL system.

Stakeholder (e.g., Government Ministries; industry groups; public health, consumer and child rights organizations; media)	Characteristics				
	Involvement in the issue (e.g., what is this stakeholder's role in developing or implementing FOPNL?)	Interest in FOPNL (Low/Medium/High)	Influence/Power (Low/Medium/High)	Position (Supportive/ Neutral/Opposed)	Impact of FOPNL on stakeholder (Low/Medium/High)

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