WHAT WORKS

Regulation
or voluntary schemes in
the food sector?

BIRMINGHAM
FOOD COUNCIL

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Regulation or voluntary schemes?

We depend on others to provide us with safe, nutritious food. But how can we be sure that what they're providing — what we're eating is what it says on the label? And how can we know our tastes and choices haven't been skewed by skilful advertising and product placement, especially when targeted, often with delicate precision, to our children?

What works best, voluntary schemes and codes of practice, or regulation with penalties for non-compliance? A recent report suggests that voluntary schemes don't work. Regulation is necessary.

A report by the Royal Society for the Protection of Birds (RSPB)

Why, might you ask, would the Birmingham Food Council be interested in research carried out by the RSPB? They're surely more interested in issues that affect the UK bird population.

As such, however, they're interested in regulation and voluntary codes and schemes which affect birds, notably environmental matters. But in exploring which is more effective, regulation or voluntary schemes, they decided to look beyond the environmental issues and how they are affected. So they reviewed the performance of over 150 voluntary schemes across a range of sectors and issues because they wanted to obtain as complete a picture of the performance of voluntary schemes as possible.

Hence they looked at both environment-related and non-environment-related schemes — and some of the latter targeted food related issues. They looked at the performance of 161 voluntary schemes (e.g. industry self-regulation, voluntary codes of conduct) in terms of their contribution to achieving policy objectives. Of these, 33 were food-related schemes. Their work covered schemes within the UK, non-UK European Union schemes, and those in the rest of the world.

They've just published the outcome of this research in this report: *Using regulation as a last resort? Assessing the performance of voluntary approaches*. Significantly, they found that more than 80% of schemes perform poorly on at least one performance indicator.

How the food sector compares with other sectors

The food-related schemes they reviewed (e.g. on advertising and labelling, safety and nutrition etc.) performed just as poorly as those schemes targeting environmental issues.

Annexe 1 of the RSPB report (pp45-49) comprises a list of all the schemes assessed with their associated performance scores. Annexe 2 (pp 50-93) provides case studies. The numbers of schemes involved are summarised in the table below:

		UK	non-UK European Union	rest of the world
ANNEXE 1 pages 45-49	total number of schemes reviewed	47	47	67
	food sector schemes	11	7	15
ANNEXE 2 pages 50-93	total number of case studies presented	33	20	22
	food sector case studies	11	1	5

Case study schemes from the UK food sector

Nine UK case studies they reviewed are directly about the food sector. They are: the Alcohol Industry Health Labelling Agreement (2005), British Beer and Pub Association's Framework Code of Practice (2004), Campaign for the Farmed Environment (2009), Catchment Sensitive Farming Delivery Initiative (2005), Country of Origin Food Labelling (2010), Farm Film Producers Group (1995), Food Hygiene Rating Scheme (2010), FSA Salt Reduction Targets (2006) and The Voluntary Initiative (2001).

In addition, the Horticultural Code of Practice (2005) and Peat Reduction Target (1999) both affect small-scale growers.

Of these UK case studies, here's a sample of what the RSPB research found:

✦ The Department of Health's voluntary traffic-light system of food labelling was taken up by only 60% of producers and retailers, with several major producers not participating in the scheme.
✦ More than 25% of meat and dairy products were found to be non-compliant with the key principles of a voluntary code of conduct on 'country of origin' food labelling.
✦ Under the Food Standards Agency's food hygiene rating scheme, only 43% of businesses in England displayed a rating on their premises in 2011-12. Although this increased to 52% in 2012-13, those businesses with higher food hygiene ratings were far more likely to display their ratings, and only 32% displayed their rating certificate in a place that was visible from outside the premises.
✦ Although the food industry achieved many of its voluntary salt-reduction targets between 2006 and 2012, average salt intake remains higher than the recommended maximum for most of the population.
✦ By the 2009 deadline, only 8% of alcohol products were compliant with the labelling requirements specified under the UK government's voluntary health labelling agreement launched in 2006.

Non-UK case studies: On marketing to children

Three of the non-UK case studies are about marketing food products to children, none of which were effective:

✦ The self-regulatory PAOS Code in Spain which has "*limited effectiveness*".
✦ The Alberta Nutritional Guidelines for Children and Youth which resulted in just 6% of the facilities that had actually implented the guidelines.
✦ The Responsible Children's Marketing Initiative in Australia which participating companies said was "*highly permissive and allow continued advertising of non-core food products using persuasive techniques at times when large numbers of children are viewing television*".

What the report concludes

The report recommends that voluntary schemes should only be used by policymakers where there "*clear incentives for participation and performance improvement*", such as where a credible threat of regulation exists if the scheme fails to deliver.

The RSBP recommends best-practice design features that include "*clearly defined and credible targets, transparent reporting requirements, and independent monitoring mechanisms.*"