6

Government Response to Ultra-Processed and Sugar Beverages Industries in Developing Nations

The Need to Build Coalitions across Policy Sectors

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6.1 Introduction

In recent years, several emerging economies have introduced a host of innovative public health policies in response to the burgeoning growth of non-communicable diseases (NCDs), such as obesity, type-2 diabetes, heart disease, and cancer. Some claim that these ailments are the product of the consumption of unhealthy food products, such as sugary beverages and ultra-processed foods, coupled with increased sedentary lifestyles. Interestingly, it has been in select emerging economies, not wealthier nations, where we have seen the boldest attempts to introduce national policy innovations in response to these healthcare challenges. For example, Mexico's Congress passed a national soda tax in 2014, India adopted a national sin tax on sugary drinks and other unhealthy products in 2017, and South Africa's government created its own tax on sugary beverages in 2018. Furthermore, these are national fiscal policies that are supported by presidents and national congressional and bureaucratic institutions. By contrast, in the United States (U.S.), sub-national governments, particularly major cities, were the first to adopt a soda tax, as seen in San Francisco in 2014. Compared to the U.S., one could argue that the adoption of a national tax in Mexico, India, and South Africa is a far more impressive and an effective way to discourage the public's consumption of these unhealthy products.

These national tax responses emerged within similar political and economic contexts. Mexico, India, and South Africa are federations with strong state economies and political institutions. Though varying in degree, each of these nations have pursued fiscal and administrative decentralization, with local governments playing an increasingly important role in healthcare policy (Nicholson 2001; Arredondo and Orozco 2006; Kaur et al. 2012). Furthermore, all three

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countries experienced the burgeoning rise of soda and ultra-processed, fast-food industries following a rapid turn toward free market reforms during the 1990s.

Mexico's, India's, and South Africa's governments were also successful in introducing several other public health programs in response to NCDs, including informing the public through national health awareness campaigns about the rise of NCDs and revising nutritional guidelines. When it came to regulating the marketing and sale of soda and ultra-processed foods, as well as the introduction of more effective food labels, however, each of these nations were far less successful, though in varying degrees. Mexico introduced, though failed to effectively implement, policies reducing the sale of these products in schools and marketing to children on TV; to this day, no such policies exist in India and South Africa. These regulatory policy outcomes are puzzling when we consider that these nations were the earliest in the Global South to adopt national soda taxes.

Consequently, this chapter asks: why were governments in Mexico, India, and South Africa unwilling to demonstrate equal political resolve across *all* public health prevention and regulatory policy efforts in response to NCDs? Why focus mainly on a soda tax when other regulatory policies were just, if not more, important?

To address these questions, this chapter claims that when compared to regulatory policies, the level of international organizational, philanthropic, and civil societal attention and support emerged earlier and more successfully with respect to soda and snack food taxes. Second, because the tax posed an immediate economic threat to industry and generated resistance among industry actors, it further increased the visibility of the policy debate for governments and among the public; the same could not be said for industry regulations. Finally, with governments seeking economic growth and recovery, the tax's potential to generate fiscal revenue appeared to obtain more government attention and support versus regulations. The broader political economy context for soda taxes in Mexico, India, and South Africa therefore appeared to be much more favorable than regulatory instruments.

Nevertheless, several opportunities exist for international organizations, government, and civil societal actors to build strong coalitions in support of marketing and sales regulatory policies while holding governments accountable for their enforcement. Furthermore, the emergence of soda and snack food taxes has revealed that developing nations can eventually overcome the powerful resistance of food industries.

6.2 The Politics of Policy of the Food Sector: Multiple Streams Analysis and Future Insights

Examining the politics of healthcare policymaking, particularly in the area of junk food, has become an increasingly important scholarly topic. Researchers have been interested in exploring theoretical frameworks in public policy and how they can be applied to public health case studies. Multiple-streams analysis, which was first introduced by John Kingdon in 1984, has been adopted to explain policy reforms across a host of nations, though with vary degrees of success and applicability (Béland and Howlett 2016). Nevertheless, the multiple streams approach provides a good starting point to shed light onto why Mexico, India, and South Africa pursued soda tax policies more aggressively when compared to industry regulation.

At its core, multiple streams analysis addresses the politics of policy-agenda setting processes (Kingdon 1984; Sabatier 2007). According to this approach, the problems (e.g., health, economic, social challenges), politics (e.g., introduction of new elections, general mood in society), and policy streams (policy solutions to these problems) act independently and are brought together by a policy entrepreneur in response to a window of opportunity, such as a change in government and/or national crisis situation (Kingdon 1984; Sabatier 2007). The policy entrepreneur emerges to bring these three streams together through "coupling" processes, which entail building policy consensus among government stakeholders, ultimately prioritizing some policies over others (Kingdon 1984; Sabatier 2007).

As we will see in Mexico, India, and South Africa, each of these nations faced the problem of escalating malnutrition-related diseases, such as obesity and type-2 diabetes; each government confronted a change in political and social context; and each found policy solutions. In addition, policy entrepreneurs, such as a president and senator in Mexico, and civil societal activists and international supporters in India and South Africa, capitalized on this window of opportunity to merge these three streams together and build consensus for reform.

Nevertheless, these three cases studies revealed limitations with the multiple-streams approach, which is that the approach does not appear to address the importance of the international policy community and philanthropists (see also Béland and Howlett 2016 on the limitations with this approach). The initial multiple streams framework was focused mainly on the U.S. domestic agenda-setting process. But in a context of increased economic and global integration, institutions such as the World Health Organization (WHO) and major philanthropic bodies, such as the Bloomberg foundation, can also join civil society and politicians in playing important roles in helping prioritize soda taxes. Furthermore, my comparative analysis of soda taxes versus regulatory policy prioritization reveals that more work needs to be done comparing the international and domestic politics of agenda-setting *between* NCD policy sectors.

6.3 Contrasting Global Attention and Support for NCD Policies

By the late-20th century, in response to a gradual decline in the consumption of sodas and ultra-processed foods in Western industrialized nations, food industries began to invest heavily in emerging markets. While major industries such as

Coca-Cola and Pepsi had established their global footprint early on—as early as the 1930s in South Africa-a myriad of other soda and ultra-processed food companies followed suit during the late-20th century. When combined with other factors, such as increased sedentary lifestyles and stress, sudden access to these foods in the Global South contributed to an increase in weight gain and their associated ailments. This situation caught several governments by surprise, many of which did not have a clear national strategy to respond to NCDs. Further complicating matters was the fact that for some nations, such as India and South Africa, excess body weight was seen as signs of health and prosperity, whereas being too thin and/or underweight suggested poverty and disease. In addition, government officials for the most part viewed excess-weight related challenges as "diseases of luxury," relegated to the wealthy few, with most of the government's attention focused on the larger, enduring problem of poverty, food insecurity, and malnutrition. These cultural and political dilemmas not only hampered the construction of early national policy responses but also gave more time for nutrition-related NCDs to increase, eventually reaching all segments of the population.

The burgeoning rise of NCDs by the early-2000s in developing nations prompted significant attention to addressing these issues at the global level. By 2004, the World Health Organization drafted the Global Strategy on Diet, Physical Activity and Health. The Global Strategy emphasized not only a need for governments to address their growing NCD problems, but also to safeguard the health of vulnerable populations, such as children. Moreover, the 2004 Global Strategy also mentioned country experiences in using fiscal policies, such as a tax, to influence food availability and consumption patterns (WHO 2004). It was a time when the global context shifted in the direction of encouraging nations to be more aggressive in their response to NCDs. By 2013, the WHO Director-General, Margaret Chan, raised alarm about the global rise of NCDs, stressing that preventing their emergence went against the interests of powerful food companies (UN 2013).

6.3.1 Mexico

At a time of heightened international attention and support for national NCD policies, the political economy context in Mexico was noticeably different. The idea of introducing a soda tax existed for several years. Nevertheless, the idea instigated an extensive amount of resistance from not only the soda industry but also from the *Cámara Nacional de la Industria de Azucar* (CNIA), which represented sugar cane producers, who feared a decline in the sale of their products to soda manufacturers (Gómez 2018). At the same time, one could feasibly assume that former president Vincente Fox's (PAN, Partido Acción Nacional, National Action Party, 2000–2006) previous employment history with Coca-Cola, as the corporation's Latin America regional president prior to his arrival into the presidency, incentivized him to refrain from harming the sugary beverage sector. Due to this context, political and social attention to a possible soda tax gradually decreased. During this time the public health activist community favoring a tax was also small in size and influence. However, as academic researchers, such as those from the National Public Health Institute, continued to highlight changes in the Mexican diet, increased sugar consumption and obesity, the government began to increase its attention to the issue (Barquera et al. 2013).

Six years later, under the administration of Enrique Peña Neito (PRI, Partido Revolucionario Institucional, Institutional Revolutionary Party, 2012–2018), the soda tax issue resurfaced. President Neito faced renewed pressures for a sugar tax by a well-organized activist community with strong international support networks. Prior to the tax's adoption, civil societal groups in Mexico started to receive more support, such as US$10 million from the Bloomberg Foundation in New York (as well as the support of academic colleagues), which helped these activists' pay for media campaigns and thereby increase the visibility of their position in favor of a tax (Carriedo Lutzenkirchen 2018). Tax proponents' aggressive media campaigns contributed to the proposed tax's media coverage, generating "over 1,000 media articles in the five-month period (June 1, 2013 through October 31, 2013) leading up to the vote on the tax" (Donaldson 2015, p. 17). This dovetailed nicely with unwavering activist networking, facilitated by philanthropic support, increased public communication campaigns, and improved relationships with government officials (Moodie et al. 2021). Civil society now had the support and connections needed to devise a stronger campaign in favor of a tax.

Furthermore, the international community played an important role in providing policy guidance and research support for the adoption of a soda tax. International health agencies, such as the Pan American Health Organization (PAHO), and philanthropies, such as the Bloomberg Foundation, played important roles prior to the tax's adoption. Indeed, Carriedo Lutzenkirchen (2018, pp. 116–117) mentions that: "Three main ways of involvement of international agencies were identified, including: taking part of advisory committees, such as the case of PAHO with the Senate ... provision of financial support for research; and advocacy groups and support in framing the debate."

Nevertheless, during this period, there also existed a high degree of industry resistance and media attention to the proposed tax. As mentioned earlier, industry and associated labor unions had resisted the idea of a tax for several years. The issue of course was the tax's direct threat to industry profitability. The tax entailed a 1 peso per liter tax on all nonalcoholic beverages with added sugars, with an estimated 11 percent increase in prices for carbonated drinks in 2014 (Colchero et al. 2015). A tax would increase production costs and possibly reduce sugar cane farmers' ability to sell their products to beverage manufacturers, in turn generating tax resistance from this sector (Gómez 2018). This context appeared to instigate a high level of political attention and contestation, fueling media coverage about the controversial policy issue.

The congressional politics surrounding the ultimate vote in support of the soda tax in 2013 was nonetheless favorable to the proponents' position. In September 2013, President Peña Neito introduced the soda tax as part of a broader direct fiscal tax effort under the Impuesto Especial sobre Productos y Servicios (IEPS). Leading up to the congressional vote that fall, President Peña Nieto's political party, the PRI (Partido Revolucionario Institucional, Institutional Revolutionary Party), managed to build a governing coalition which included Mexico's largest political parties, namely the PRI, the PRD (Partido de la Revolución Democratica, Party of the Democratic Revolution), and the PAN (Partido Acción Nacional, National Action Party), which collectively formed the Pacto por Mexico (the Pact for Mexico). In this context, two factors appeared to facilitate the vote's passage. First, Peña Nieto benefited from strong intra-party PRI support for his tax proposal (James et al. 2020). Second, the PRI and its tax idea benefited from the support of some Pacto coalition members, such as the PRD, and garnered support from the PVEM party (Partido Verde Ecologista de Mexico, the Ecological Green Party of Mexico), but not a majority of members from the PAN (James et al. 2020); the latter generally is perceived as a conservative pro-business party.

Interestingly, despite the PAN's resistance, one of the initial proponents of the soda tax was a PAN member, Senator Marcela Torres Peimbert, who was the first to introduce the idea to the Congress in December 2012 (James et al. 2020). Torres Peimbert was selected by the pro-tax coalition mainly because she was from the conservative PAN party, which provided legitimacy to the pro-tax coalition's efforts (James et al. 2020). Eventually, James et al. (2020, p. e1669122-3) reports that because of this pro-tax governing coalition, "… on October 17, 2013, the House of Deputies voted to pass the bill passed [sic] with 317 votes in favor (207 PRI, 73 PRD, and 25 PVEM votes) and 164 votes against (113 PAN and 23 PRD votes). Meanwhile, on October 29, 2013, the Senate voted to pass the bill with 73 votes in favor (54 PRI, 1 PAN, 10 PRD, and 7 PVEM votes) and 50 votes against (36 PAN and 9 PRD votes)."

Yet another factor drawing increased attention and support for a tax was Mexico's economic situation. Facing a decline in the international price of oil, with oil exports being a strong source of government revenue, as well as a global recession in 2013, the soda tax—along with other taxes in the proposed national fiscal package—was viewed as an important source of government revenue (Barquera et al. 2018). When combined with increased widespread support for the tax by 2013, this fiscal situation generated an urgent need to adopt the tax (Barquera et al. 2018).

Eventually the tax was adopted by the Congress in 2014. With this achievement, Mexico became the first nation in the world to introduce a *national* soda tax; this quickly drew a considerable amount of international praise. At an event held in Mexico City on April 2016 on World Health Day, the Director of the Pan American Health Organization (PAHO), Carissa Etienne, commented: "Mexico has shown global leadership by increasing taxes on sugar sweetened beverages, which managed to reduce soda consumption by 6 percent in just one year. This is one component of a comprehensive national strategy adopted by Mexico to fight obesity, overweight and diabetes..." (PAHO 2016, p. 1).

But how successful was Mexico's government when it came to increasing the regulation of the marketing and sale of sugary beverages? In 2014, the Ministry of Health, through the National Strategy for Prevention and Control of Overweight, Obesity, and Diabetes, introduced regulations restricting the advertisement of these products on television for particular hours of the week and weekend (Hennessy, 2014). The National Strategy outlined that unhealthy food products were not to be advertised to children during the weekdays, Monday through Friday, from 2:30 p.m. to 7:30 p.m. and on the weekend, Saturday and Sunday, from 7:30 a.m. to 7:30 p.m. (Hennessy 2014). Furthermore, Vilar-Compte (2018) notes that this advertising regulation was focused on children between the ages of 4 and 12.

These new laws appeared to be significant in Mexico, mainly because previously the government relied on industry self-regulation of advertising through the 2009 Code of Self-Regulation on Advertising Food and Non-Alcoholic Beverages to Children (Latnovic and Cabrera 2013). With time, however, researchers began to question the efficacy of this new regulation. Indeed, research by Vilar-Compte (2018, p. 15) suggests that unhealthy food products are still being advertised despite the introduction of these new laws: "Other studies show that food beverages still advertised on Mexican TV do not meet more stringent nutritional quality, leaving Mexican children exposed to unhealthy food advertisements despite the enacted regulations..." Other regulations introduced through the National Strategy and subsequent policies, such as ensuring the provision of high-quality foods in schools, also have not been adequately enforced (Gómez 2023).

Why was the government less successful when it came to enforcing these regulations when compared to a soda tax? Advertising regulations may be more difficult to adopt than soda taxes because they generally draw less public attention, fall short of instigating the broader public's attention and involvement, and, consequently are often influenced by what Pepper Culpepper (2010) once referred to as quiet, back door politics between business elites and policymakers. This context can gradually facilitate industry's capture of those government agencies seeking to impose regulations. Yet, as mentioned earlier, this was not the case with a soda tax.

Indeed, first, when compared to the soda tax, there appears to have been significantly less international attention and pressures on Mexico to create and enforce marketing and sales regulations of unhealthy products. While international organizations have mentioned the importance of these regulatory efforts (in addition to taxes), direct pressures and technical assistance on these issues appears to have been less apparent in Mexico (Gómez 2021).

Second, the regulation of commercial industry marketing and sales appeared to receive significantly less media attention and discussion within government, especially when compared to the soda tax. In large part this may have been attributed to the highly technical nature of regulatory policy issues, with more technical policy matters often generating "quiet politics" (Culpepper 2010). Furthermore, regulatory efforts may have provided less of a direct economic threat to industries, especially when compared to a tax that would be easier to enforce. As Vilar-Compte (2018, p. 12) notes: "The advertising regulations were less polemical and visible than the SSB tax, but they were criticized by civil society organizations and academia (i.e., *Alianza por la Salud Alimentaria*) …" With respect to food industry stakeholder's monitoring the SSB tax and advertisement regulations, Villar-Compte et al. (2018) also claims that there was greater interest in doing so for taxes due to its feasibility of adoption compared with advertising regulations.

Moreover, civil society's presence and pressures on the government to strengthen industry regulations were present alongside soda tax advocates; and yet the former's ability to draw policy attention to much needed regulatory reforms and eventually succeed in influencing policy appeared to emerge several years later when compared to the pro-tax coalition. Specifically, activist organizations, such as the Alianza por la Salud Alimentaria (Food Health Alliance), already existed in 2012 to help raise awareness about food marketing toward children, as well as several other issues, such as clear food labels, the provision of healthy foods in schools, access to clean drinking water, and fiscal policies toward junk foods (Vital Strategies 2014). However, it seems that activist organizations, such as the Alianza and El Poder del Consumidor (The Power of the Consumer), and their ability to influence regulatory policies, e.g., front-of-package labeling (FOPL), substantially increased only in 2018 and 2019 after the arrival of external support from the Bloomberg Foundation, UNICEF, and International Development Research Centre (IDRC) Canada (White and Barquera 2020). Given the food industry's historic efforts to influence nutrition policy, improving FOPL policy and avoiding industry involvement was seen as a way to reduce corruption by avoiding conflict of interest. This change in circumstances, inclusive of the influx of vast funds, mass campaign drives, strong networks of FOPL reform activists, and the emergence of a new leftist government led by President Andrés Manuel López Obrador (AMLO) who was committed to anti-corruption efforts, facilitated the introduction of Mexico's new FOPL labeling policy in 2019 (White and Barquera 2020). The new FOPL policy involved the introduction of black octagon warning signs on foods high in sugar, salt, and fat (White and Barquera 2020).

6.3.2 India

Similar to Mexico, by the transition to the 21st century, India encountered a worsening NCD situation, especially with respect to overweight, obesity, and type-2 diabetes. The transition to free market reforms during the 1990s, increased foreign direct investment, the rise of the middle class and changes in dietary patterns were several factors contributing to this situation. India's government was nevertheless considerably delayed in its national policy response to NCDs in general (Gómez 2018). With respect to policy agenda-setting, one of the main challenges was the government's focus on poverty and malnutrition, which was perceived during the 1990s and early-2000s as the biggest public health challenge in the area of nutrition (Khandelwal and Reddy 2013). Overweight and obesity was also seen as a disease of luxury, relegated to the affluent upper-middle classes. National programs focused on nutrition and overweight gradually emerged, however: In 2008, the Ministry of Women and Children's Development (MWCD) created nutritional guidelines to improve diet, exercise, and health, as well as nutritional guidelines for schools (Gómez, 2018). That same year, the government also released its National Program for the Prevention and Control of Diabetes, Cardiovascular Disease, and Stroke (NPCDCDS). NPCDCDS' goal was not only to call greater attention to these diseases, but also to push for increased prevention through several initiatives, such as the early diagnosis of disease, recommended changes to behavioral lifestyles, improved health system capacity, and early detection and treatment of NCDs (Bloom et al. 2014). Later in 2011, the government, through the National Institute of Nutrition (NIH), also published new dietary guidelines that introduced a food pyramid, recommended a reduction in the consumption of sugary and fatty foods, while advocating for a return to the consumption of traditional foods (CSE 2014).

In 2015, the government of Prime Minister Damodardas Modi (BJP, Bharatiya Janata Party, 2014–present) also introduced the idea of implementing a 40 percent sin tax on aerated drinks (Whitehead 2015), as well as a general "fat tax" on unhealthy foods (Karla 2017). Interestingly, and similar to what we saw in Mexico, the 40 percent tax on drinks was introduced as a broader fiscal policy effort to increase revenue (Wilkes 2015; Gómez 2023).

During this period, the idea of a tax on sugar-sweetened beverages (SSBs) was also supported by several prominent international policy experts (India Resource Center 2016, 2017). These experts claimed that the idea aligned with the World Health Organization's suggested tax on SSBs in 2016 (India Resource Center 2017; Statement in Support of a Sugar Sweetened Beverage Tax 2016). This international support was reported by the India Resource Center, an activist organization (India Resource Center 2017). The media at the same time acknowledged that India's public health advocates supported the idea of a sin tax (Johari 2015). Activists claimed that the tax on aerated soft drinks would join the tax on tobacco in generating the same kind of health benefits (Tandon 2015).

The introduction of a national sin tax was, nonetheless, highly controversial and contested due to the direct threat that it posed to industry. In 2015, major media sources were discussing the proposed tax, mentioning its purpose and that the government was discussing the matter with industry and receiving its suggestions

(The Economic Times 2015). As one would expect, the tax proposal also caused intensive industry attention and opposition. It is important to note, however, that this resistance has been present since 2014, when the parliament Union Budget proposed a 5 percent increase in excise taxes for aerated drinks with added sugar (Coca-Cola India 2014). In fact, KO, the Indian subsidiary of Coca-Cola, stated that if the sin tax passed, it would consider shutting down several of its bottling plants in India (Reuters 2015). Coca-Cola India was of the view that this tax would lead to a reduction in the sale of its products (Reuters 2015). By 2017, the food industry and trade groups were working together to determine how they could effectively lobby against the tax proposal (Karla 2017).

India's economic situation may have also played a role in the government's support of the tax. The sin tax was part of a larger effort by the central government to unify, through a national Goods and Services Tax (GST), its complex, decentralized fiscal tax structure, which, in turn, would help to increase the ease of doing business in the country and thereby augment foreign investment and state revenue (Barry and Kumar 2016). The GST originally was introduced in 2011 and aimed at only taxing goods at point of consumption, thereby deemed a "destination tax." However, it had been opposed for several years by political parties within parliament and larger state governments (Barry and Kumar 2016). Those parties that opposed the idea included the Congress and the Tamil Nadu-based All India Anna Dravida Munnetra Kazhagam (AIADMK) (Gyan Varma 2016). Congress parliamentary members wanted their specific demands addressed first, such as caps on GST taxes, while state-level finance ministers from the Congress party were more willing to accept the tax and were focused more on revenue compensation (Gyan Varma 2016). The AIADMK leaders also wanted Modi's party to accept its specific amendments to the bill prior to the GST's passage (Venkataramakrishnan 2016). The AIADMK argued that since the beginning, they perceived the tax as arbitrary and unconstitutional in its attempts to undermine fiscal federalism and that because Tamil Nadu was a manufacturing state, it stood to lose a lot of revenue (Venkataramakrishnan 2016). The AIADMK also viewed the national tax as a violation of federalism and the states' fiscal autonomy (Venkataramakrishnan 2016). Because of the loss of revenue from the GST tax, the AIADMK asked that 4 percent of revenues allocated to the center be retained for manufacturing states, such as Tamil Nadu (Venkataramakrishnan 2016). Nevertheless, despite this opposition, the constitutional amendment needed to adopt the GST eventually passed within parliament due, it seems, to the BJP political party's efforts to reduce political resistance by obtaining the support of smaller regional opposition parties while the Congress party's majority in parliament was decreasing (Barry and Kumar 2016).

Eventually, Prime Minister Modi's proposed sin tax was adopted in 2017 (India Resource Center 2017). Through the GST, this tax imposed a 28 percent levy on sweetened carbonated drinks, flavored waters, and other unhealthy products, such as tobacco (India Resource Center 2017). Moreover, through its "*compensation* *cess*," an additional sin tax of 12 percent was imposed on these drinks, along with tobacco and other harmful products (India Resource Center 2017), thus totaling a combined 40 percent tax. This "cess" is imposed in order to compensate the states for the loss of state revenues associated with the centralized GST tax for up to 5 years (Narayan, 2021).

However, the central government appeared far less successful when it came to introducing policies focused on regulating the junk food industry. In 2018, with respect to food labels, the Food Safety and Standards Authority of India (FSSAI), India's chief food regulatory body operating under the Ministry of Health & Family Welfare, created a Draft Food and Safety Standards (Labeling Display) Regulations, with color-coded red visual aids on packages to indicate being high in specific nutritional contents, such as sugar, fat, salt (Srivastava 2019). In general, however, researchers found that food labels in India still provide insufficient and unclear information (Taneja and Khurana 2017), as well as "misleading claims on the amount of trans fat present" (CSE 2014, p. 24; Gómez 2023).

With respect to food marketing and advertising, to this day, no federal regulations exist, especially toward children; only a draft regulation on prohibiting the advertisement of unhealthy foods in and around schools has been proposed by the FSSAI (Anu 2019). Instead, industries engage in a form of self-regulation, which is monitored by the Advertising Standards Council of India (ASCI) (Taneja and Khurana 2017). Hawkes (2004) nevertheless found pundits in India claiming that self-regulatory advertising policies have been ineffective, and that food advertising is often deceptive. However, there are signs that the government is heading in the right direction with respect to the creation of enforceable federal regulations. In 2019, for example, the FSSAI mandated "a fine of up to Rs 10 lakh" (approximately US$14,000) for those companies found guilty of providing misleading advertising of packaged foods high in sugar and salt (Mordani 2019, p. 1).

Finally, limitations also exist with the sale of unhealthy foods. For example, with the exception of a New Delhi High Court ruling in 2015 recommending to FSSAI that the sale of unhealthy foods in schools be restricted and at least 50 meters beyond school borders (Centre for Science and Environment 2015), there are still no federal regulations mandating this requirement.

When compared to the sin tax, the politics surrounding the regulation of food industries was considerably different. Indeed, there appears to have been far less political resolve and attention to these regulatory matters. Why? First, the absence of an early and strong international and domestic support base appears to have been an issue. The author found no evidence suggesting that there were comparatively earlier international and domestic supporters for increasing the sales and marketing regulations of aerated drinks and unhealthy food products in India. The WHO did devise international policy recommendations on the marketing and advertisement of foods and beverages to children, in addition to a report in 2011 by the World Health Organization and the European network on reducing marketing pressure on children on the topic (Bhatnagar et al. 2014). India, along with several other member states, was a signatory to these WHO declarations (Bhatnagar et al. 2014). And in 2020, Shekar and Provo (2020) mentioned that the World Bank has been working with India's regulatory agencies to improve its capacity in the area of food and marketing regulations. However, to the author's knowledge, there was no concerted international effort, either from multilateral organizations or the scientific community, to recommend and impress onto India's government the idea of pursuing industry regulations.

Civil society's pressures for greater industry regulation were nevertheless present, though this appears to have been mainly at the domestic level. A year after the 2004 Global Strategy was adopted, researchers at the Public Health Foundation of India had recommendations for a national plan that would include plans to address food industry advertisements targeting children and vulnerable groups (Varshney 2006). In 2015, researchers in India also called for increased regulations on industry advertising (Balch 2012). However, in general, the absence of robust civil societal pressures for increased regulations on marketing may also have reflected the fact that this issue was just emerging in India and that few efforts had been taken in this area in general (Balch 2012).

When compared to the sin tax, marketing regulations also appear to have been less politically contested within government and society. This may have to do with the fact that some proposed regulations, such as FSSAI's efforts to regulate food advertising (high in fat, salt, and sugar) to children are still under discussion (Yasmeen 2019). There has been no formal proposal and serious attempt to introduce legislation on this topic, and while industries have pushed back against the idea, it is minimal compared to the earlier resistance on sin taxes (Yasmeen 2019). In addition, one must keep in mind that when compared to the sin tax, there is no immediate and substantial financial threat to industries being regulated. In fact, industries may decide to simply ignore regulations, perhaps even willing to pay a small, one-off fine. Under these conditions the proposed regulations may not draw as much industry opposition and thus political attention, especially when compared to the sin tax.

6.3.3 South Africa

As Mexico's and India's emerging economy counterpart in Africa, South Africa also encountered several NCD challenges by the early-2000s. The return to free markets following apartheid rule, nutrition transitions and a rising middle class contributed to the emergence of obesity, type-2 diabetes, and other chronic diseases. Similar to what we saw in India, however, South Africa was faced with the challenge of having to deal with ongoing malnutrition among the poor, which complicated making NCDs a government priority. Overtime, as more data and awareness of NCD challenges emerged, the national government began to focus on introducing several national NCD programs.

Important among them was the 2013 Strategic Plan for NCDs (2013–2017) (Spires et al. 2016). The Strategic Plan focused on several initiatives, such as improving the food environment, interventions to improve diets, advertising regulations toward children, a reduction in trans-fat and salt in foods, and even the possibility of a tax on ultra-processed foods (Spires et al. 2016). The Department of Health soon followed suit with the 2015 Strategy for the Prevention and Controlling of South Africa Obesity, which focused on addressing the broader environmental factors contributing to obesity, the importance of exercise, nutrition, and several other factors, such as increased community awareness and monitoring the prevalence of obesity (Claasen et al. 2016). This plan also introduced the idea of a tax on sugar-sweetened beverages (SSB) (Claasen et al. 2016).

During this time, the international community also provided support for this tax. In 2016, for example, prestigious academics from universities around the world, along with academics from South Africa, published a letter in support of introducing the tax (Cullinan et al. 2020). This letter was also published in South Africa's *Sunday Times* (Cullinan et al. 2020). Moreover, WHO officials, a famous researcher from the University of Illinois at Chicago, Frank Chaloupka, and several other pro-tax advocates gave presentations to the parliament in support of the SSB tax (Cullinan et al. 2020).

Civil societal activists were also fully supportive of the tax. Prior to its implementation, activist organizations, such as HEALA, and other groups, strove to increased public support for the tax through several communication campaigns, which were supported by organizations such as Vital Strategies (Vital Strategies 2019). A total of three national media campaigns were created with the goal of educating the public about the importance of the tax and the harm caused by consuming sugary beverages (Vital Strategies 2019). Furthermore, according to Vital Strategies (2019, p. 1), these campaigns had a successful impact on the public's knowledge and perceptions: "Unconditional support for the levy increased from 42 percent of respondents in October 2016 to 58 percent in July 2017." In addition, academic researchers and statistical analysis from institutions such as PRICELESS (Priority Cost-Effective Lessons for System Strengthening South Africa), a policy think-tank at the University of Witwatersrand, provided evidence that a tax could help to reduce obesity (Cullinan et al. 2020); this information was provided to the Treasury and Presidential office (Cullinan et al. 2020).

However, the proposed SSB tax posed a clear threat to industry's interests, fueling intense opposition. A key argument made by industry was that the tax would generate several economic consequences, affecting not only sugarcane producers but also small shop owners (Karim et al. 2020). Others industry actors claimed that there would be significant job losses in the sugar sector due to the tax (Karim et al. 2020). Aggressive opposition tactics were used, such as the Beverage

Association of South Africa (BEVSA)'s—which represents companies like Coca-Cola and PespiCo—usage of "anti-tax advertisements" in newspapers, as well as BEVSA's meetings with national health officials to emphasize the reformulation of sugary beverages, which analysts claim is often perceived as a proposed alternative to a tax (Cullinan et al. 2020). The tax clearly posed an economic threat to industry. And because of this, it garnered a lot of political and media attention. One must also keep in mind that industry had succeeded in 2002 to lobby and successfully remove a federal tax on sodas and drinking water (Kruger et al. 2021), and this previous success likely further fueled industry's opposition to the 2016 tax proposal.

On the eve of the tax's adoption there was also a considerable amount of media attention to the proposed tax. A content analysis of several media articles between the periods of January 1, 2017 and June 30, 2019 by Essman et al. (2021) revealed that 54 percent of the articles were in favor of the tax, and that most of the arguments in favor underscored the tax's health benefits, while opposing views from industry emphasized the tax's harm to the economy.

South Africa's dire economic situation may have also elevated the importance of the tax. By 2014, Cullinan et al. (2020, p. 7) explains that the economy saw low GDP growth levels, less than 2 percent a year, with high unemployment rates, reaching 27.5 percent by 2017; in this situation introducing a tax could help to provide revenue to the government while meeting public health needs (Cullinan et al. 2020).

By 2017, the stars appeared to align in support of the SSB tax in parliament. South Africa became the first nation in the African continent, after Mauritius in 2013, to introduce a SSB tax (Chutel 2019), receiving praise from the WHO (WHO 2017). In 2018, a tax of 10 percent on sugary beverages was introduced through the Health Promotion Levy (Stacey et al. 2021). Unfortunately, however, Stacey notes that considerable concessions were made to industry prior do the tax's adoption, leading to a reduced taxation rate from 20 percent to 10–11 percent (Stacey et al. 2021).

But the government was less successful when it attempted to introduce industry regulations. For instance, when it comes to advertising unhealthy products, especially toward children, to this day the government has not enacted any legislation. The closest the government came to achieving this was recommending restrictions on advertising to children under the age of 16 in the "draft" Foodstuffs, Cosmetics and Disinfectants Act in 2007 (Igumbor et al. 2012). Instead, and similar to what we saw in Mexico, industries have opted to engage in self-regulatory practices, such as through the 2009 South Africa Pledge on Marketing to Children, which was released by the Consumer Goods Council of South Africa (Claasen et al. 2016).

With respect to food labels, the situation was equally uninspiring. While food labeling is regulated through the 1972 Foodstuffs, Cosmetics and Disinfectants Act via Regulation 146 (Classen et al. 2016), industries are not legally required to provide nutritional labels on their products. Labels are only required if companies make nutritional claims on packages, as stated through the 2010 amendment to Regulation 146 titled Regulations Related to the Labelling and Advertising of Foodstuffs, which took effect in 2012 (Igumbor et al. 2012). Furthermore, by law, industries are not required to disclose the amount of high sugar content on labels (Stacey et al. 2017). Even when labels are provided on packages, research in some areas of South Africa has shown that they are difficult for consumers to understand due to the insufficient amount of nutritional information provided and the way the information is displayed and written (Classen et al. 2016). In 2019, the government did nevertheless state its future intentions of requiring front of package warning labels reporting information on sugar, fat, and salt content (Zama 2019). To date, however, the government has made no effort to introduce this legislation (Nair 2021).

The government's lackluster success at introducing industry regulations when compared to the SSB tax follow a similar pattern observed in Mexico and India: international and civil societal attention and support for SSB taxes pre-dated that for introducing industry regulations in South Africa. In 2010, while the WHO released recommended regulations on the marketing of unhealthy foods and non-alcoholic beverages to children, adopted by the World Health Assembly as WHA 63.14, and the WHO later in 2016 criticized member states through a report for failing to take this resolution seriously (Wicks et al. 2017), the author found essentially no evidence revealing the WHO or any other international agencies' direct support for introducing marketing regulations in South Africa. And with respect to civil society, the author found no evidence suggesting that civil societal actors mobilized early on to pressure the government into adopting regulatory legislation. In general, proactive civil societal activism and influence in the area of nutrition policy has been delayed for many years in South Africa (Gómez 2023). Nevertheless, more recently, NGOs, such as HEALA, have done a commendable job of raising awareness about industries' ongoing violation of the government's marketing policies toward children (HEALA 2021). HEALA in general has also been vocal about the importance of front-of-package warning labels while, as mentioned earlier, being fully supportive of an SSB tax (HEALA 2019, 2021).

In sharp contrast to the SSB tax, government regulations, such as food labeling, also pose far less of an economic threat to industry. This appears to have generated far less industry opposition and, by extension, media attention and political unrest, reaffirming Culpepper's (2010) findings that it is less visible policy issues that are more likely to fall prey to industry capture. Analysts also note that the government has not been fully committed to enforcing existing labeling regulations, such as the Regulation 146 (Sulcas 2022). In this context, why should industries fear failing to adhere to this regulation or even the introduction of new ones?

Finally, the creation and enforcement of regulations does not seem to provide immediate and ongoing benefits to the overall economy. Unlike the SSB tax, regulatory restrictions on industry does not provide additional government revenue. It is instead an entirely public health matter. In a context where the national government does not seem fully committed to enforcing existing regulations, there is little additional economic incentive to focus on them by nutrition and health advocates. Consequently, efforts to introduce improved labeling and advertising restrictions continue to be delayed.

6.4 Conclusion

In recent years, the emerging economies of Mexico, India, and South Africa have demonstrated a new commitment to tackling the rise of NCDs in their countries. While these nations were among the first in the world to create national sugary beverage tax policies as a preventative measure, unfortunately they were not as equally committed to creating effective marketing, sales, and labeling regulations. This is even more puzzling if one considers the myriad of national NCD prevention and nutrition programs recently introduced by these countries.

To explain this puzzle, this chapter suggests that the political economy context was considerably different when it came to introducing food taxes versus industry regulations. For the most part, the introduction of a tax appears to have received earlier and stronger international and domestic civil societal support, posed a more credible economic threat to industry—thus instigating industry opposition, greater political and social attention, while providing economic as well as health benefits. Interestingly, and rather ironically, it seems that vehement industry opposition to the soda tax contributed to the government's focus on this policy and commitment to it. This may be because on such a highly visible and salient policy issue, governments may not want to be perceived as weak and incapable of resisting industry pressures. When combined with the economic motive to garner additional fiscal revenue, this can generate strong government commitment to tax reform. In contrast, when policies are less publicly salient and more technical in nature, such as advertising and food labeling regulations, governments may not feel as threatened by a publicly visible policy issue that is vehemently opposed by industry; here, the latter may be more successful in its efforts to lobby and resist policy change on technical grounds, while at times perhaps engaging in quiet closed door deals with government officials (Culpepper 2010). Regulatory policies have therefore not benefited from the favorable political economy conditions seen with the soda tax. Instead, industry continues to benefit from self-regulation and government inaction.

To better understand the differences in the political economy of reform between the soda tax, advertising, and food labeling regulations, a multiple streams analytical framework was adopted (Kingdon 1984; Sabatier 2007). Applying this framework to the cases of Mexico, India, and South Africa revealed that in addition to all three countries confronting rising NCD challenges (problems stream), a change in political context (political stream), and policy solutions (policy stream), policy entrepreneurs at the domestic and international level were important for coupling these three streams together to build consensus for reform. In Mexico, President Enrique Peña Neito and Senator Marcela Torres Peimbert played key roles in building support for the soda tax, while in India and South Africa, civil societal actors and strong international supporters played this role. Nevertheless, this analysis joins others (Béland and Howlett 2016) in revealing that an important limitation with the multiple-streams framework is its neglect to take seriously the role of international organizations and philanthropic institutions.

As societies in Mexico, India, South Africa, and other developing nations become more aware of the importance of industry regulations, particularly toward vulnerable populations, such as children and the poor, the political economy context in favor of industry regulation may soon improve. Though new, it seems that activists in these nations are becoming more committed to informing the public and calling on government for greater regulatory action. As we saw with the sugary beverage tax, it may only be a matter of time before activists, NGOs, academics, philanthropists, and international agencies work together to build a stronger coalition in favor of effective regulatory policies. This broad coalition certainly facilitated the introduction of national taxes in these countries.

Future research will also need to conduct more work on the comparative political economy of NCD policies. That is, how and why should we compare the complex international and domestic politics of fiscal, regulatory, and broader public health education policies in response to nutrition-related diseases? The success of sugary beverage taxes seems to have generated—and justifiably so—greater attention to this policy endeavor, rather than comparing it to, and at the same time focusing on, other equally important regulatory policies. Going forward, researchers, and more importantly, governments, will need to take a more comprehensive, comparative approach to designing NCD policies. This can help to underscore the similar and different international and domestic stakeholder incentives, interests, and challenges *between* NCD policy sectors. Approaching NCD policy from this perspective will nevertheless require an equal amount of government commitment to fiscal and regulatory policies, while at the same time exploring ways to reduce industry participation and influence in the policymaking process.

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