

The Limits to Food and Beverage Industry Influence over Fiscal and Regulatory Policy in Latin America

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Abstract

Context: Little is known about the political, institutional, and social contexts contributing to a decline in food and beverage industry power and influence over fiscal (soda taxes) and regulatory (sales/advertising restrictions and food labels) policy. This article addresses this issue by exploring why Mexico and Chile eventually saw such a decline in the food and beverage industry's influence whereas Brazil was not as successful. I argue that in Mexico and Chile, these outcomes are explained by shifts in presidential, congressional, and bureaucratic interests in pursuing policies that went against industry preferences.

Methods: This article took a qualitative methodological approach to comparative historical research.

Findings: Policymakers' interest in pursuing stronger food and beverage regulations were shaped by economic and public health concerns, new electoral contexts, epidemiological information, and normative beliefs. In Mexico, the infiltration of nutrition researchers within government facilitated this process. In contrast, Brazil's government was divided about pursuing regulatory policies, with presidents favoring partnerships with industry to implement a popular anti-hunger program; industry's power endured there with limited progress in policy reforms.

Conclusion: Governments can eventually overcome industry power and policy influence, but it depends on a whole government commitment to reform.

Keywords Food and beverage industry power, policy, influence, Latin America

In recent years, major soda and ultra-processed food industries have been successful in influencing the design and implementation of fiscal and regulatory policies restricting their commercial activities and profitability, such as advertising and sales restrictions, improved food labels, and soda taxes. Industry influence has often been facilitated by their structural power and government dependence on industry for economic growth. The food and beverage industry leverages this dependence and engages in lobbying efforts to block and weaken policy actions they oppose (Madureira Lima, 2023; Fairfield, 2015; Przeworski and Wallerstein, 1988). Called

the Corporate Political Activity (CPA) literature, researchers have revealed the political and social strategies that industries use to influence policy in their favor (Savell et al. 2014; Lawton et al. 2013; Hillman and Hitt, 1999). Most of this literature has provided case studies highlighting instances in which industries have hampered the policy agenda setting and implementation process (Savell et al. 2014; Lawton et al. 2013; Hillman and Hitt, 1999).

However, we know little about the political circumstances in which food and beverage industries sometimes fail to achieve their policy objectives, and where government interests in regulating industry and safeguarding the public from disease prevails. What are the political, institutional, and social contexts that may be contributing to the erosion of these industries' policy influence?

This article addresses this question via an in-depth comparative historical analysis of the specific contexts contributing to a decline in the food and beverage industries' ability to influence fiscal and regulatory policies such as soda taxes, sales and advertising restrictions, and improved food labels. I examine the cases of Mexico, Brazil, and Chile, nations that have seen the rise of several multinational soda and ultra-processed food industries and their influence over NCD policy, politics, and society (Gómez, 2023). However, as Mexico and Chile illustrate, these industries eventually saw a decline in their ability to thwart the adoption of these policies, while this did not occur to the same extent in Brazil. I argue that these varying differences in outcomes reflect differences in shifting policymaker interests and institutional change processes, rather than major economic shocks and political changes (Pierson and Hacker, 2002; Vogel, 1987; Babic et al. 2022) or international and civil societal pressures (Gómez, 2018; Fairfield, 2015). In Mexico and Chile, simultaneous increased presidential, bureaucratic, and congressional interest in fiscal and regulatory reform¹ was shaped by economic (Carriedo et al. 2021) and health

¹ On government support for reforms, see White and Barquera, 2020; Carriedo et al. 2021; Corvalán et al. 2013; Swinburn, 2019; Sing et al. 2023.

concerns, shifting electoral contexts and political goals (White and Barquera, 2020), human rights beliefs (Chile; Boza et al. 2019), and the emergence of nutrition scientists within the bureaucracy (Mexico). Conversely in Brazil, presidential partnerships with industry for alternative policy objectives (Gómez, 2023), divided congressional interests captured by corporate lobbying,² and contrasting bureaucratic preferences hampered policy reforms. Despite recent tobacco and alcohol taxation (Fernandes, 2023) and the delayed introduction of improved food labels, increased taxes on soda and beverage manufacturing have not been pursued (Mathais, 2022b; Bridge et al. 2022), while there have been no effective advertising regulations (Barbosa et al, 2022). Thus, industry power and policy influence did not erode as much in Brazil, unlike Mexico and Chile.

Methodology

This article employs qualitative research methods. First, I analyzed primary and secondary qualitative documents, including peer-reviewed journal articles, books, book chapters, and policy reports, located through several search engines, such as *PubMed*, *Web of Science*, *Google Scholar*, and *Academic Search Ultimate*. For each of these search engines, several key word search terms were used to find documents, such as the “[name of country]”, “president” “politics” “NCD” “Policy; or “[name of country]” “Congress” “Senate” “NCD” “policy.” Based on an analysis of these articles and new information obtained from them, I then conducted additional searches in these search engines on the topics of interest for each country. The criteria for selecting documents were based on its empirical relevance to the article and evidence of peer-review; articles not meeting this criterion were excluded, such as blogs or un reputable news

² On industry’s lobbying processes and their tactics in response to fiscal and regulatory policy in Brazil, see also Mariath and Martins (2021), Baird (2016), and Paes de Carvalho (et al. 2021).

and/or organizational sources. A total of 45 qualitative documents were analyzed. I analyzed the data obtained from these documents in a deductive manner to assess empirical and causal claims made for each case study.

Next, I obtained qualitative data from several 30-minute interviews with former health officials, academic researchers, and activists from Mexico, Chile, and Brazil. A total of 6 interviews (2 for each country) were conducted via Zoom during the summer and fall 2022. I chose interviewees based on their scholarly reputation and the recommendations of initial interviewees. Some interviewees also were selected based on their participation as authors in related publications.

I selected Mexico, Chile, and Brazil as cases for several reasons. These countries are arguably the largest, most diverse free markets in Latin America, and in 2021 led the region in total foreign direct investment (ECLAC, 2022). Foreign multinationals in the food and beverage sector have a historic presence in these nations and have benefited from favorable trade and regulatory policies. These countries were also selected because of their similar presidential systems, with a separation of powers between the executive, congressional, and judicial branches and autonomous national healthcare bureaucracy, in turn providing several points of access and influence for industries. I also selected these countries because of the ample amount of empirical data and peer-reviewed literature discussing their experiences in nutrition and NCD policy, in turn reflecting their comparatively earlier efforts at implementing these types of policies in the region.

Nevertheless, this study has limitations. Only three countries were analyzed, thus limiting the generalizability of the article's claims, and industry power and influence decreased in only

two of the three cases. Future researchers should strive to compare more cases in Latin America to better understand if the food and beverage industry, in general, has been less influential.

Revisiting the Political Contexts of Industry Power and Influence

In recent decades, researchers have emphasized the various political and policy tactics that industries use to influence the creation of non-communicable disease (NCD) policies, often entailing fiscal and regulatory measures (Savell et al. 2014; Hillman and Hitt, 1999). Major food and tobacco industries, especially in low- and middle-income countries (LMICs), have exhibited a considerable amount of power during the formulation of these policies (Lima and Galea, 2018; Lauber et al. 2021). Yet researchers have not often considered the political, institutional, and social contexts that can, over time, decrease industry's power and influence. Have industries and their representative interest groups *always* been successful in manipulating fiscal and regulatory policies in their favor? Or are there limits to their policy influence?

For the most part, these questions have been ignored in the corporate political activity (CPA) and commercial determinants of health literature. Kindled by the 2008 global financial crisis, political scientists have rejuvenated their interest in understanding the various forms of corporate structural power and policy influence (Culpepper, 2015). While Dahl (1982) and Dahl and Libdbloom (1976) argued that corporations benefited from privileged political positions, were undemocratic in nature and wielded considerable political influence (more so than any other interest group), Vogel (1987) argued that corporations were merely just another interest group, and that their structural power and influence was never guaranteed. Since Vogel's work, scholars have addressed the political, economic, and social contexts accounting for variation in

corporate power and influence over long periods of time (Pierson and Hacker, 2002; Babic et al. 2022).

Other scholars have instead emphasized the importance of individual elite preferences and civic activism in explaining a reduction in business power and policy influence. Fairfield (2015) explores the importance of carefully describing and operationalizing the structural sources of business power and claims that industries have the most policy influence when structural and instrumental power is strong. Examining the case of Chile's 2014 tax reforms, Fairfield (2015) also explains how electoral incentives and civic mobilization (more significantly) can at times counter industry's power. With respect to structural power, Fairfield (2015) argues that the strength of business structural power depends on the perceptions of governing elites during the policy agenda-setting phase (Babic et al. 2022). When elites perceive a credible threat, such as policy reforms leading to reductions in corporate investment and economic performance, business structural power is strong and the converse situation holds (Fairfield, 2015). Fairfield (2015) also explains how, in the case of Chile, civic mobilization and protest outweighed business power and provided an opportunity for progressive policymakers to enact tax reforms that was opposed by the business community.

Finally, pressures from international organizations and civil society may be perceived as important for policy reform. The Pan American Health Organization (PAHO) and the World Health Organization (WHO) have encouraged and supported nations to create prevention and regulatory policies focused on NCDs, childhood obesity, and a protective and healthy food environment (PAHO, 2020; World Health Organization, 2010; Gómez, 2018).

Below, I explore the evolution of the food and beverage industry's power in Mexico, Chile, and Brazil, investigating the key factors that have shaped the maintenance and erosion of their influence and variations in that influence across these countries.

Mexico

Industry Emergence and Power

In Mexico, the ultra-processed food and sugary-beverage industry had a great deal of policy influence throughout the 1990s and 2000s. After the introduction of NAFTA (North American Free Trade Agreement) in 1994, access to Mexico's markets prompted an increase in the production and distribution of these foods. During the early-2000s, as discussions emerged surrounding the idea of a soda tax, awareness of the soda industry's influence began to increase. Beginning in 2007, the idea of a soda tax arose but was successfully opposed by industry, while the congress eventually failed to take on the proposal (Vilar-Compte, 2018).

During this period, several contextual and institutional factors aided industry's policy influence. Under former President Vicente Fox (2000-2006), who had previously been a *Coca-Cola* executive, the soda industry had a considerable amount of power and influence over fiscal and regulatory policies (Gómez, 2018). There were no federal representative institutions, such as national government councils, that effectively represented nutrition activists' interests. While the OMENT, the *Observatorio Mexicano de Enfermedades Crónicas No Transmisibles* (Mexican Observatory for Non-Communicable Diseases) was created by the Ministry of Health in 2015 as a platform to evaluate the government's 2013 National Strategy to Prevent and Control Obesity and Diabetes, to develop indicators measuring its impact, monitoring and evaluation (Carriedo et al. 2023), managed by the Autonomous University of Nuevo León and in coordination with an

advisory council comprised of state and non-state actors (Mexico, Ministry of Health, 2015), national institutes, consumer groups and activists were poorly represented within it (Aceves et al. 2020; Gómez, 2018). The advisory council's most influential representatives were from the food and beverage sector (Aceves et al. 2020).

Contextual and Institutional Change

Nevertheless, the international and domestic context appeared to gradually change against the interests and influence of big industry. The international community began to impress onto Mexico the need to start taking their obesity situation more seriously. For instance, in 2011, according to James (et al. 2020), the “United Nations Special Rapporteur on the Right to Food called on Mexico to declare a state of emergency in response to the obesity epidemic ... [while] The Organization for Economic Cooperation and Development (OECD) highlighted the scale of the obesity epidemic in Mexico and urged action.” Under the President Enrique Peña Nieto administration (2012-2018), international organizations, such as the Pan American Health Organization (PAHO) and UNICEF, were vocal about the need to adopt food industry regulations in Mexico (interview with Ana Larrañaga, June 14, 2022; interview with Angela Carriedo, June 21, 2022). While the Peña Nieto administration did not give into these pressures, the subsequent presidency of Andrés Manuel López Obrador (henceforth, Amlo) (2018-2024) was much more receptive (interview with Ana Larrañaga, June 14, 2022). Under Amlo, the collaboration between UNICEF, PAHO, and the FAO was stronger (interview with Ana Larrañaga, June 14, 2022). This change in receptivity to the international community's recommendations seemed to reflect the president's and the bureaucracy's shift in earnestly pursuing regulatory policies against industry.

At the presidential level, during the Peña Nieto administration a change in political and policy context and interests also emerged. The presidency began to recognize Mexico's simultaneous fiscal and NCD challenges. The governing coalition of the PRI, PAN, and PRD, aka *Pacto for Mexico*, introduced several fiscal reform efforts, with the goal of increasing government revenue in a context of waning international oil prices (James et al. 2020). While Peña Nieto did not take a public stance against the soda industry and its effects on public health, he strove to garner more fiscal revenue and pushed for taxes that went against the soda industry's interests (interview with Ana Larrañaga, June 14, 2022; AFP, *El Espectador*, 2013). Indeed, Peña Nieto introduced the soda tax to the congress as part of a broader fiscal reform package in September 2013 and he supported the tax (Vilar-Compte, 2018; James et al. 2020). In October 2013, the effort obtained support among three political parties in the House, the PRI, PRD, and PVEM, providing 317 votes in favor, while the senate passed the bill later with the PRI, PAN, PRD, and PVEM parties providing 73 votes in favor (James et al. 2020). Yet, perhaps due to his concern over industry's reactions to the soda tax, Peña Nieto appeared to offer a compromise by offering major soda companies a seat at the policy table through the aforementioned OMENT (interview with Ana Larrañaga, June 14, 2022).

In addition, during Peña Nieto's presidency, Mexico's NCD situation—burgeoning obesity and type-2 diabetes cases—could no longer be ignored. An extensive amount of data had emerged, mainly from national surveys conducted by the National Institute of Public Health in Cuernavaca, Mexico, that dietary behaviors were changing along with weight gain and type-2 diabetes (Barquera et al. 2013). Researchers also began to highlight the problematic relationship between soda consumption and obesity (James et al. 2020). With the introduction of the National Strategy for Prevention and Control of Overweight, Obesity, and Diabetes in 2013, Peña Nieto's

views had shifted in favor of addressing Mexico's worsening NCD challenges. The president displayed a new interest in addressing the country's worsening NCD problem, creating the aforementioned OMENT (interview with Ana Larrañaga, June 14, 2022; Secretaría de Salud, 2015). Peña Nieto also recommended a cultural shift in favor of living a healthier lifestyle, calling on citizens to devote one hour a day to exercise (Bosely, 2013).

In contrast to Peña Nieto, Mexico's next president, Amlo, displayed an interest in publicly addressing the harm of unhealthy food products. Amlo consistently vocalized his distaste for soda products, publicly stating how harmful they are (interview with Ana Larrañaga, June 14, 2022; see also *Redacción, El Financiero*, 2022). However, Amlo was careful not to openly resist industry and even met with *Coca-Cola's* CEO on occasion (interview with Ana Larrañaga, June 14, 2022; see also Meli Vera de la O, 2020). Thus Amlo appeared reluctant to engage in a direct conflict with major soda companies. Nevertheless, Amlo's public shift against harmful food products appeared to create a favorable climate for introducing new food regulations.

Indeed, for several years, the government's GDA food labels were contested due to their lack of clarity and accuracy in providing information. Efforts to improve these labels were thwarted by industry opposition (White and Barquera, 2020). However, Amlo was committed to fighting corruption (White and Barquera, 2020). As White and Barquera (2020) explain, this commitment, which comported with activist calls for revealing conflict of interests and greater transparency, facilitated the eventual introduction of new front-of-label packaging, which entailed the usage of large black octagon stop sign images warning of high levels of sugar, salt, and fat.

Mexico's federal bureaucratic institutions also began to shift in favor of introducing legislation that would improve the country's NCD situation and go against industry's preferences. With respect to the soda tax, while the Secretariat of Health (SoH) was committed to addressing this issue, introducing several prevention programs and policies, other federal agencies were also onboard and at an early stage. In particular, the Ministry of Finance (MoF) emerged as a key actor. The MoF became interested in pursuing a tax on sodas and sugary beverages as early as 2007, which triggered resistance from legislative members (Moises et al. 2011). The MoF framed the discussion about the need to introduce a tax as a matter of fiscal/economic importance (Carriedo et al. 2021), which comported with President Peña Nieto's commitments.

In recent years, the SoH and other federal agency heads have also become increasingly vocal about the need to resist the unhealthy food industry and the importance of effective food labels and marketing regulations. The impetus for regulatory change has mainly emerged at the bureaucratic level (interview with Angela Carriedo, June 21, 2022). This shift against industry arose under the Peña Nieto administration and further intensified under Amlo. For instance, recently an undersecretary for health publicly stated that *Coca-Cola* was no longer welcomed in the southern state of Chiapas, a historic stronghold for the company due to its production facilities in the area and local popularity (interview with Ana Larrañaga, June 14, 2022). This same undersecretary also recommended [without evidence] that people refrain from drinking sodas during the Covid-19 pandemic to strengthen their immune system (interview with Ana Larrañaga, June 14, 2022). Even within other agencies, such as the Ministry of the Economy (MoE), its Director General of Standards, Alfonso Guati Rojo Sánchez, has vocalized his support for regulating food industries (interview with Ana Larrañaga, June 14, 2022), while under Amlo,

the MoE has also supported the idea of introducing the new GDA food labels (interview with Ana Larrañaga, June 14, 2022). Indeed, the MoE and the Ministry of Health approved the new labels (Montalvo, 2020). While in the MoE, Rojo Sánchez worked on reforming the Mexican Standard NOM-SIFI/SSA1-2010, associated with introducing the aforementioned new black octagon nutrition warning labels and forbidding the usage of cartoon characters on packaged foods (*Expansion*, 2022). The MoE has been concerned about how the ongoing rise in NCD cases will impact economic sustainability (interview with Ana Larrañaga, June 14, 2022).

A key ingredient to this shift in bureaucratic views was the institutional permeation of nutrition scientists within the SoH. Beginning under the Peña Nieto administration, a coalition of scientists from Mexico's National Institute of Public Health took up important positions within the SoH, while others accepted important political positions within government (interview with Angela Carriedo, June 21, 2022). Furthermore, these individuals were strongly committed to the importance of NCD policies, while introducing new views that went against industry interests (interview with Angela Carriedo, June 21, 2022).

The national health bureaucracy has also repositioned the food industry out of policy advisory groups. In 2019, the OMENT was replaced with the GISAMAC (*Grupo Intersectorial de Salud, Alimentación, Medio Ambiente y Competitividad*; Intersectoral Group on Health, Food, Environment and Competitiveness) (Elizondo, 2020). In sharp contrast to the OMENT, however, ministry leaders have not invited industry representatives onto the GISAMAC, which is co-owned and managed by the SoH and the Ministry of Environment (interview with Ana Larrañaga, June 14, 2022). GISAMAC's leadership is fully committed to avoiding any conflict of interest (interview with Ana Larrañaga, June 4, 2012). In fact, a recent article notes that according to Simón Barquera Cervera, who directs the National Institute of Public Health's

Center for Research in Nutrition and Health, the GISAMAC's recent food guideline recommendations were based on strong scientific information devoid of any conflict of interests and were not related to the food sector (Poy, 2023). In yet another instance GISAMC took the decision in 2020 against the usage of glyphosate, which is a herbicide used in crop production, despite industry resistance (Melgoza and Rincón, 2021).

Congressional institutions also mattered and further augmented the institutional context and interests in favor of regulatory policies. Under Amlo, the historically dominant political party in the congress and senate, the PRI (*Partido Revolucionario Institucional*), lost its majority in both houses and was replaced with Amlo's party, *Morena* (interview with Ana Larrañaga, June 14, 2022; Ferri, 2023). With many congressional representatives lacking previous political experience, *Morena* party members displayed unity and were obedient to what the party leadership wanted (interview with Ana Larrañaga, June 14, 2022). *Morena's* leader, representative Mario Martín Delgado Corriño, urged fellow congressional members to resist industry opposition and to support the aforementioned new GDA front-of-package labeling policy (interview with Ana Larrañaga, June 14, 2022), which the congress approved in 2019 and was implemented via regulation NOM-051 the following year (White and Barquera, 2020). Many within the congress were in favor of adopting this new label (interview with Angela Carriedo, June 21, 2022), with nearly unanimous support, according to congressional member Carmen Medel Palma (*Morena* party) (*Grupo Parlamentario Morena*, 2020).

Civil Society

During the 1990s and early-2000s, civil society's (e.g., NGOs and activist) presence around fiscal and regulatory policymaking was limited. In large part this reflected the history of political

elitism in the health policymaking process, when political elites rather than civil society drove this process (Gómez and Mendez, 2021). Civic activism in this arena of good nutrition and awareness about the health implications of soda and ultra-processed foods gradually began to increase, however, with activists having greater interest in pursuing new regulations and fiscal measures several years before any formal legislation was pursued (interview with Ana Larrañaga, June 14, 2022). Civil society's interests therefore had nothing to do with the broader international and domestic political transformations kindling government interest in policy reform (interview with Ana Larrañaga, June 14, 2022).

Right around the time that the soda tax was seriously being considered, however, the situation began to change, providing NGOs and activists with the means to further mobilize and voice concerns. International philanthropic support was critical to this process (James et al. 2020). For example, by 2012, the Bloomberg Foundation provided a considerable amount of financial support for research supporting the tax, public advocacy, and awareness, which, in turn, provided credibility to the endeavor (ibid; Carriedo Lutzenkirchen, 2018). As Carriedo Lutzenkirchen (2018) explains: "This meant that for the first time, the coalition of actors supporting the soda tax was well funded and had wide support of strategic groups and public-interest lobbying firms..." At the same time, in 2012 activist organizations began to adopt lobbying strategies that had been used by industry for several years (Vilar-Compte, 2018). Having greater access to resources provided activists and NGOs with the means to pursue their long-held policy interests (interview with Angela Carriedo, June 21, 2022).

Yet a critical component to amplifying the voice and policy influence of activists and NGOs was their increased access to government institutions. In contrast to his presidential predecessor, Amlo's administration has been committed to reaching out to and incorporating

activists' policy views (interview with Ana Larrañaga, June 14, 2022). When it came to introducing the new GDA food labeling laws, activists finally had a seat at the policymaking table (interview with Ana Larrañaga, June 14, 2022).

At the same time, in recent years nutrition activists and NGOs have been better organized and have been more vocal about the need to introduce more effective food warning labels. Researchers note that the recent introduction of the aforementioned black octagon-shaped front-of-package food warning labels also benefited from a context where NGOs, such as *La Alianza por la Salud Alimentaria* and *El Poder del Consumidor*, coordinated and provided information campaigns about the importance of effective food warning labels (White and Barquera, 2021). These efforts were also facilitated with support from major philanthropists, governments, and international agencies, such as Bloomberg, IDRC Canada, and UNICEF (White and Barquera, 2021).

Decreasing Industry Power

The introduction of Mexico's 2014 soda tax marked a substantial political change. Industry's efforts to curtail this endeavor had failed. The government's achievement drew a considerable amount of international support, especially because the tax had been introduced despite strong industry opposition (Fraser, 2018). Fraser (2018, p. 3) captures this achievement nicely: "One outcome of the Mexican sugar tax, then, is that it has raised hopes among critical subjects that legislation could begin to unravel central facets of corporate domination." Furthermore, subsequent industry efforts to reduce the tax had no influence: "The proposal to reduce the Mexican soda tax ultimately passed in the Chamber of Deputies but failed in the Senate, leaving the original tax policy in place" (Pedroza-Tobias et al. 2021). The introduction of the black

octagon front-of-package labels also signaled a decline in industry power and policy influence. For years, food and beverage industries strove to obstruct and delay this initiative, going so far as to use the COVID-19 situation as an excuse not to meet and vote on the matter (Global Health Advocacy Incubator, 2020). But this resistance was to no avail. Once again, the government's policy interests eventually prevailed over industry.

Chile

Industry Emergence and Power

Since the introduction of free market reforms in the 1970s, facilitated by a centralized authoritarian government, Chile has seen an increase in foreign direct investment. Chile also saw a considerable change in dietary consumption patterns high in fat intake, with the nutrition transition occurring in less than 20 years (Albala and Vío, 2000). Chile now joins Mexico, Brazil, and Argentina in having one of the region's highest rates of obesity and type-2 diabetes cases.

Chilean presidents have also displayed a strong level of support for industry growth. Even under former President Michelle Bachelet (2006-2010; 2014-2018) of the Socialist Party, the government actively encouraged an increase in foreign direct investment (FDI) (President's Press Office/*InvestChile*, 2016). Bachelet attended international meetings to emphasize opportunities for FDI across several sectors (including food), in turn underscoring how important FDI is for the nation's economic success (President's Press Office/*InvestChile*, 2016). She even led an international launch of *InvestChile* in France, which is a public agency that promotes greater investment in Chile (ibid; *Investchile.gob.cl*, 2022). During his first term in office, President Sebastián Piñera (2010-2014) of the conservative National Renewal party also

supported industry by vetoing proposed food regulations, such as marketing, sales, and improved labels (Jacobs, 2018).

Contextual and Institutional Change

Efforts by the international community to address NCDs seems to have motivated Chilean health officials to initiate discussions about the importance of NCD legislation, but did not play an important role in the emergence of specific regulatory policies. Corvalán (et al. 2013) found that in 2002 an expert meeting between the WHO and the FAO introducing a call for action in response to NCDs motivated Chilean researchers to work with the senate to introduce several potential policies in response to obesity and NCDs. There is no evidence, however, that PAHO and other international organizations pressured Chile's government to adopt specific regulatory policies prior to Chile's landmark 2012 legislation introducing these measures, namely congressional Law 20,606. This law required the introduction of front-of-package food labels for products high in sugar, salt, calories, and saturated fat (Dintrans et al. 2020); it regulated the marketing of these products, with a focus on prohibiting their advertisement to those under the age of 14 (Dintrans et al. 2020); and it also prohibited the sale of products exceeding critical nutrients within schools (Dintrans et al. 2020). It was adopted by the congress in 2012 but not enforced until 2016, a delay that was due to several years of industry opposition and negotiation (Dintrans et al. 2020). A Chilean researcher that the author interviewed claims that no international agency was involved in the idea of introducing more effective food labels prior to the law's introduction (interview with anonymous source, August 3, 2022). Nevertheless, later in 2016, PAHO showed support for Chile's and other countries' (e.g., Ecuador and Peru's) efforts to introduce NCD policies (Gómez, 2021; PAHO, 2016). Chile's law also adopted PAHO and

the WHO's policy recommendations on influencing nutritional behavior and food purchasing decisions (FAO and PAHO, 2017).

In addition, there was no major domestic economic or political crisis that motivated the government to pursue policy reforms. The political crisis of 2019 (after the 2012 reforms) was prompted by increased transportation ticket prices, escalating to broader social welfare demands, and took many by surprise as the country's previous socioeconomic situation was stable (Mendez et al. 2020).

In Chile, presidential interests in NCD regulatory policies gradually emerged and were not in response to crisis conditions. Despite her commitment to FDI, Bachelet eventually supported policies that went against the food industry interests (Jacobs, 2020). Why did this occur? First, the president overcame concerns about the political consequences of resisting big business. Initially, it appears that Bachelet's fears of the potential return of the conservative political right and business dominance during her first term in office motivated her not to aggressively pursue policies that went against the business sector's interests (interview with anonymous source, August 3, 2022). It was a time of economic crisis and her government wanted to avoid further disagreements in the economic sphere (Ramírez, 2014). In this context she removed the idea of introducing an improved traffic light food label warning system and proposed an alternative bill suggesting that the MoH determine and label which foods were "high in fat" or "high in calories" (Ramírez, 2014). Other scholars believe that Bachelet was interested in regulating the food sector during the initial stages of the 2012 Food Laws, that she supported the bill's ideas, while advocating for more exercise and nutrition education in schools (Corvalán et al. 2013).

Her successor, conservative president Sebastián Piñera (2010-2014), despite showing initial resistance to NCD policies, also eventually supported these measures (Corvалан et al. 2013). So many prominent individuals within government, such as the Ministry of Health (MoH), the Senate, as well as academics, were in favor of the proposed regulations that Piñera's potential policy veto would have been an unpopular move (interview with anonymous source, August 3, 2022). Nevertheless, after Bachelet was re-elected as president for a second term following Piñera's stint in office, she no longer had any fears of the business sector's political retaliation and the return of the conservative right, and consequently felt free to pursue additional food regulations (interview with anonymous source, August 3, 2022).

Second, during Bachelet's first and second term in office, the MoH consistently met with her to emphasize the importance of NCD policies and to explain the alternative business arguments against food regulations (interview with Lorena Rodriguez-Osiac, September 29, 2022). During her first term, Bachelet was concerned about the economic implications behind the proposed food regulations on labeling, advertising, and soda taxes (interview with Lorena Rodriguez-Osiac, September 29, 2022). This consistent dialogue between MoH officials and Bachelet helped to convince her of the need to support regulatory policies (interview with Lorena Rodriguez-Osiac, September 29, 2022). Notably, Bachelet had a medical background as a pediatrician, and that she had been the minister of health from 2000 to 2002 under President Ricard Lagos (interview with Lorena Rodriguez-Osiac, September 29, 2022).

Chile's MoH has for many years also been committed to broader health promotion and education (interview with Lorena Rodriguez-Osiac, September 29, 2022; Salinas C. and Vio del R. 2002). During the period when the 2012 proposed regulations were being introduced, the MoH changed its views in favor of increasing the regulation of unhealthy products, while

underscoring the importance of the social determinants of health (interview with Lorena Rodriguez-Osiac, September 29, 2022). In fact, by the early-2000s, the MoH had already highlighted, through its objectives via the National Health Promotion Plan (*Plan Nacional de Promoción de la Salud*), the regulation of unhealthy products, such as tobacco (Salinas C. and Vio del R. 2002). While the 2012 legislation was being formulated there was a normative shift in views among nutrition researchers, from focusing less on individual responsibility in avoiding obesity and other NCDs to addressing the broader social contexts, such as poverty, education, and infrastructure (interview with anonymous individual, August 3, 2022).

The MoH also believed in the usage of taxes (Interview with Lorena Rodriguez-Osiac, September 29, 2022). Despite segments of the academic community arguing against these regulatory ideas due to their perceived infringement on individual liberties, and the opposition of other federal agencies, such as the ministry of the economy, agriculture, and foreign affairs, due to their concerns about the regulations' impact on the economy and international relations (Dintrans, 2020), all tiers of the MoH's leadership supported the need to pursue policy regulations and taxes (interview with Lorena Rodriguez-Osiac, September 29, 2022).

Within the congress and the senate, increased information, awareness, and charismatic leaders espousing human rights views, rather than political party unity in favor of policy reform (as seen in Mexico), appeared to play an important role in transforming congressional interests and support for food regulations. With respect to political party interests, initially there were divisions between the conservative senate that supported industry versus more leftist groups that proposed new regulatory ideas (interview with anonymous source, 2022); furthermore, there were initial divisions that occurred within the congress, though there were more congressional

members in support of than against food regulations (Organización de las Naciones Unidas para la Alimentación y la Agricultura/Organización Panamericana de la Salud, 2017).

While there were those in the congress that argued against the proposed regulatory bills on advertising and food labeling, MoH officials periodically visited and provided information to these skeptics (interview with Lorena Rodriguez-Osiac, September 29, 2022). Influential senatorial leaders, such as Senator Guido Girardi, were vital to emphasizing the importance of these regulatory measures. Girardi ardently believed in access to good nutrition and food and knowing about the nutritional content of food as a human right (Girardi, N/D). A medical doctor by training, Girardi increased the senate's awareness of the importance of these regulatory policies and organized public demonstrations to inform and alert the public about their need (interview with Lorena Rodriguez-Osiac, September 29, 2022). Indeed, in public he even referred to major food companies as "21st century pedophiles" and demonstrated in front of the presidential palace with placards accusing the Sebastián Piñera government of harming the public's health by vetoing earlier versions of the food regulations (Jacobs, 2018). As president of the senate between 2011 and 2012, Girardi was in a strong position to build consensus for the 2012 law's adoption. Girardi's efforts therefore underscored the critical role that a policy entrepreneur with strong normative beliefs can play in raising awareness and strengthening regulatory interests that had already emerged within the MoH.

Civil Society

There were no activist groups or NGOs working on nutritional food and beverage issues prior to the formulation of the 2012 policy measures (interview with anonymous source, August 3, 2022). This finding corroborates other scholars' views that civil society did not play an important

role in several of the policies implemented since 2014 (Corvalan and Reyes, 2016). Instead, during the policy formulation process, MoH officials mainly worked directly with families, teachers, and schools (interview with Lorena Rodriguez-Osiac, September 29, 2022). There were no public debates (interview with anonymous source, August 3, 2022). Rather, there were activists, such as Cecilia Castillo, from a Chilean consumer organization, who worked with Senator Girardi on promoting the first draft of the 2012 regulatory bills (interview with anonymous source, August 3, 2022).

Today, there is greater awareness in Chile about good nutrition in society while activist networks and groups are starting to emerge (interview with Lorena Rodriguez-Osiac, September 29, 2022). Their delayed emergence in large part reflects the history of Chilean military authoritarianism during the 1960s and 1970s, when social movements were suppressed, and the difficulty of creating social movements from scratch (interview with Lorena Rodriguez-Osiac September 29, 2022). At the same time, however, major industries have collectively responded to the new regulations and created the *Food and Drinks Chile* coalition, requesting meetings with MoH officials, using the press, and launched a campaign in December 2016 with famous sports personalities ridiculing these policies (interview with anonymous source, August 3, 2022; see also Vega, 2018). Also known as AB Chile (*Alimentos y Bebidas de Chile*), this coalition represents major companies, such as *Coca Cola*, *Nestle*, *Evercrisp*, *Bimbo*, and was led by Rodrigo lvarez, former undersecretary of finance and the minister of energy under the Sebastian Pinera administration (Vega, 2018).

Decreasing Industry Power

In Chile, eventually the major soda and ultra-processed food industries lost their battle against increased government regulation. Over time their political and especially their policy-making powers substantially declined, as evidenced by the introduction of several fiscal and regulatory policies and the enactment of a restrictive law. This reflects the gradually changing social norms and acceptance of a regulatory state intervening on behalf of the general public (interview with anonymous source, August 3, 2022).

Brazil

Industry Emergence and Power

Brazil joined her Latin American counterparts in experiencing a sharp increase in foreign direct investment (FDI) from the beverage and ultra-processed food sectors. By the 1990s, FDI and domestic investment in these sectors grew considerably, coupled with the emergence of fast-food restaurants (Farina and Viegas, 2003; Gómez, 2023). This period also saw the emergence of a nutrition transition, moving away from traditional food staples to ultra-processed foods. The middle-class and poor were particularly affected by this situation, seeing themselves in an improved financial position due to increased employment, welfare programs, and greater access to fast foods (Phillips, 2016).

Beginning with the conservative presidential administrations of Fernando Collor de Mello (Brazilian Reconstruction Party, 1990-1992), these industries also found a hospitable political environment. Mello began to accelerate preexisting efforts to privatize industries and was the first Brazilian president to encourage the foreign purchase of public enterprises (Arraes, 2010). Despite a slowdown in privatization under the following President Itamar Franco administration (PRN party, 1992-1994), it was under the Fernando H. Cardoso (PMDB party,

1994-2002) administration that privatization efforts restarted, and the economy became more open for investment (Arraes, 2010).

Even under the more leftist democratic presidency of Luiz Inácio Lula da Silva (2002-2010) of the Worker's Party, major industries found a favorable political environment. Lula viewed major food companies, such as *Nestlé*, as important partners in not only providing jobs but also tackling hunger, undernutrition, and unemployment (Gómez, 2023). The subsequent conservative Michel Temer (BDM, 2016-2018) and Jair Bolsonaro (no political party, 2018-2022) presidential administrations have also been supportive of the business sector, with the latter prioritizing economic opening and growth amidst the COVID-19 pandemic.

Contextual and Institutional Change

By the early-2000s, Brazil was subject to increased international attention and pressures for the introduction of policies in response to rising obesity cases. The international community and media highlighted this worsening situation, and that the government was generally concerned about its reputation for being an overweight and unhealthy nation—especially in light of the 2016 Olympics, which Brazil hosted (Gómez 2018). In 2012, at a conference in Mexico City, representatives from Mexican, Brazilian, Chilean university institutions, in collaboration with PAHO, met and agreed to the importance of implementing interventions and policies within schools while emphasizing that government authorities need to defend the human right to health, the right to healthy food, information, and the usage of the law and policy to achieve these ends (Jacoby et al. 2013; Gómez, 2021).

However, this shifting international context does not appear to have had an impact on presidential interest and commitment to introducing soda and ultra-processed food regulatory

policies. Since 2001, these industries have had a considerable amount of influence over presidential views and interests over these policies (interview with Renato Godoy, August 19, 2022; *Folhapress*, 2018; Mathais, 2022b). Under the Lula administration, there was presidential support for welcoming policies on improving children's nutrition and regulating the food sector through a presidential advisory council, namely the CONSEA (*Conselho Nacional de Segurança Alimentar e Nutricional*; National Council for Food and Nutrition Security).

But Lula never showed any interest in aggressively regulating the soda and ultra-processed food industry (interview with Marcello Baird, September 29, 2022). Furthermore, Lula's presidential successor from the leftist Worker's Party, Dilma Rousseff, also expressed no interest in pursuing these kinds of regulations (Marcello Baird, September 29, 2022). After her election into office, Dilma was accused of appointing a former attorney for the food industry as head of the federal government's ANVISA regulatory agency (*Agência Nacional de Vigilância Sanitária*; Brazilian Health Regulatory Agency), in turn appearing to fulfill a campaign promise to "clean house" within ANVISA after receiving extensive complaints from the food industry (Marcello Fragano Baird quoted in Jacobs and Richtel, 2017; Gómez, 2023). An activist interviewed by the author claimed that Lula and Dilma's need for broad-based governability motivated them to work with industry because they needed these major political players on their side (interview with Renato Godoy, August 19, 2022).

Under the conservative Jair Bolsonaro presidential administration (2018-2022), this ongoing lack of interest in pursuing industry regulations continued (interview with Marcello Baird, September 29, 2022), an apathy that persisted even prior to the 2022 presidential elections, when Bolsonaro's campaign (and others) failed to respond to survey questions from the investigative news outlet *O Joio e o Trigo* regarding if they would pursue regulations, as seen

in other Latin American countries, if elected into office (Mathias, 2022a). Furthermore, neither president Lula (first term) nor Bolsonaro proposed the idea of introducing new soda taxes. While a Senate Committee on Social Affairs (CAS) in May 2022 did, for the first time, succeed in introducing a bill in support of a tax on sugary beverages, their marketing and imports, it has not received any further support, hampered by industry lobbying and resistance from other committees (Mathias, 2022b). The federal government had previously introduced a tax on these manufactured beverages through the Tax on Manufactured Products (aka, the IPI), but after 2016, it sought to *reduce* the tax on several of them (Bridge et al. 2022). And yet, the government has not moved on this critical issue despite neighboring governments, such as Mexico and Chile, recently introducing these taxes. Under the recent conservative administrations of Temer and Bolsonaro, the focus instead was on the economy and safeguarding business interests, rather than pursuing new regulatory policies going against industries' preferences.

Importantly, in the fall 2023 the House of Representatives approved an initially proposed amendment to the constitution (PEC 45/2019), Constitutional Amendment 132/2023 (Bonfanti and Graner, 2024), which reforms the government's tax structure and includes a new tax, the "Selective Tax," (aka, 'sin tax') on the production, marketing and import of unhealthy products, such as tobacco and alcohol, with the possibility of being applied to high sugar food and beverage products (Fernandes, 2023). The selective tax is focused on products harmful to health and the environment and is intended to regulate the market and punish the consumption of these products rather than to collect revenue (Máximo, 2023). The tax reform appears to have started under the previous Bolsonaro administration, based on a fiscal model designed by the ministry of finance, with the participation of consultants (Bifano, 2023).

At the bureaucratic level, interests and commitment to pursuing industry regulations have been divided. With respect to the minister leading the Ministry of Health (MoH), a politically appointed individual and arguably the most powerful agenda-setting actor within the ministry, they have been repeatedly reluctant to publicly critique and confront industries, preferring instead to allow smaller MoH agency sub-divisions and ANVISA to do this (interview with Marcello Baird, September 28, 2022). These presidentially appointed ministers have been afraid to confront industry because they rely on industry for political support (interview with Marcello Baird, September 28, 2022). However, mid-level MoH officials have been committed to pursuing regulations and have built supportive civil societal coalitions; nevertheless, they often faced resistance from other coalitions supporting industry (interview with Renato Godoy, August 19, 2022). These mid-level officials have operated within small MoH agency sub-divisions, such as the *Coordenação Geral de Alimentação e Nutrição*; General Coordination Office for Food and Nutrition Policy, CGAN), but on their own have not had enough influence (interview with Marcello Baird, September 29, 2022). Despite this, these mid-level officials have worked behind the scenes with larger agencies, such as ANVISA (interview with Marcello Baird, September 29, 2022). ANVISA officials have also consistently been supportive of industry regulations (Mathias, 2022b).

In fact, since 2005, ANVISA has emerged as a global pioneer in labeling ultra-processed foods as harmful (interview with Marcello Baird, September 29, 2022). Beginning in 2014, ANVISA also became fully committed to regulating advertisements on food packages through front-of-package warning labels for those products that are high in sugar, saturated fats, and sodium, which was eventually approved in 2020 (interview with Marcello Baird, September 29, 2022; Global Health Advocacy Incubator, 2022). This new regulation, RDC 429/2020, became

effective on October 9, 2022 (Global Health Advocacy Incubator, 2022). Manufacturers had a grace period of three years to comply with this ruling (ingredientsnetwork.com, 2024). In September 2023 ANVISA introduced RDC 819/2023 as an amendment to RDC 429/2020 which mandated that companies had until October 8, 2023, to purchase foods with the old labels, with a deadline of October 9, 2024 to use the entire stock (Brazil, Ministry of Health, 2024). However, beginning on October 9, 2023, 819/2023 required that any new products purchased must have the improved front-of-packaged labels as stipulated in RDC 429/2020 (Brazil, Ministry of Health, 2024).

Nevertheless, in 2024 the NGO IDEC (Brazilian Institute of Consumer Protection) sued ANVISA in a federal court in São Paulo for granting the RDC 819/2023 extension until 2024 (ingredientsnetwork.com, 2024). IDEC claimed that ANVISA's decision was not based on independent scientific evidence but on biased information from industry (ingredientsnetwork.com, 2024). The São Paulo federal court ruled in support of IDEC's complaint and issued an injunction on RDC 819/2023 (ingredientsnetwork.com, 2024; *Justiça Federal, Seção de São Paulo*, 2024). ANVISA's senior lawyer, Leonardo Pillon, criticized the agency for giving into industry's interests and that it harmed ANVISA's reputation (ingredientsnetwork.com, 2024).

Within congress, lawmakers' interest in food regulations also gradually emerged, though few concrete legal actions have been taken. In recent years, analysts note that congressional members have become increasingly aware and interested in addressing food regulations (interview with Marcello Baird, September 29, 2022), with senatorial members, as mentioned earlier, pursuing new tax initiatives (Mathias, 2022b). Indeed, this is reflected in several congressional bills that have been proposed to discourage the consumption of these products,

such the 2017 soda tax bill (no. 8541), introduced by congressman Paulo Teixeira (interview with Marcello Baird, September 29, 2022; ACT Promoção da Saúde, 2023). As mentioned earlier, in May 2022, a Social Affairs sub-committee of the Senate supported a proposed bill to create a tax on sugary beverages (interview with Marcello Baird, September 29, 2022; Mathias, 2022b). Activists have consistently met with congressional leaders, providing information, promoting bills and organizing seminars, which, in turn, has helped place obesity and food regulations onto the national agenda (interview with Renato Godoy, August 19, 2022).

Despite these recent initiatives, however, the congress has yet to effectively pass these bills into law, such as regulations limiting advertising to children (interview with Renato Godoy, August 19, 2022) and specific federal laws on the marketing of unhealthy food and beverage products (Barbosa et al. 2022). Several commissions in the senate and the congress reviewed bills on marketing regulations but were never approved (interview with Renato Godoy, August 19, 2022), with legal researchers finding the same problem (Barbosa et al. 2022). While a strong ‘consumer code’ on marketing exists, it is not effectively enforceable by law (interview with Renato Godoy, August 19, 2022; Gómez, 2023), while the code’s broad applicability may provide leeway for judicial decision makers, and where different types of judicial decisions over alleged code violations may emerge (Barbosa et al. 2022). These limitations largely reflect the incessant power and influence of food industry lobbyists (interview with Renato Godoy, August 19, 2022).

Civil Society

Since the transition back to democracy in the late-1980s, families and activists have been committed to raising attention to the importance of good nutrition and food as a human right. In

the specific area of soda and ultra-processed food regulations, however, civic interests and non-governmental organizational (NGO) efforts were small and slow to develop. Nearly 20 years ago, there appeared to be only two NGOs that worked on this issue, the aforementioned IDEC and the *Instituto Alana* (interview with Marcello Baird, September 29, 2022). IDEC was small, underfunded, and its work on food regulations was minimal (interview with Marcello Baird, September 29, 2022). Nevertheless, these two NGOs were the key leaders in pushing for ANVISA's regulation of food advertisements (interview with Marcello Baird, September 29, 2022). However, with increased international attention and mandates with respect to ultra-processed food regulations, activists' interest in this issue, and the number and size of NGOs working on this topic, increased (interview with Marcello Baird, September 29, 2022). A rise in university research addressing the politics of the food industry also aided in the growth of the activist community (interview with Renato Godoy, August 19, 2022). Over the years, *IDEC* has grown substantially, with its food policy program now being the largest of its advocacy programs (interview with Marcello Baird, September 29, 2022); moreover, *ACT*'s food program is now larger than its prestigious tobacco program (interview with Marcello Baird, September 29, 2022). Other influential NGOs have emerged focusing on food regulations, such as the *Instituto Desiderata* (interview with Marcello Baird, September 29, 2022). All throughout, domestic and international donor assistance has been provided to these organizations, such as the *Instituto Alana* and *IDEC* (interview with Renato Godoy, August 19, 2022). The Bloomberg Foundation is also funding *ACT* and other organizations (interview with Marcello Baird, September 29, 2022).

However, for several reasons the power and influence of the activist community has been limited. First, there have been no federal political and/or bureaucratic institutions that activists

can consistently rely on to voice their concern and have policy influence (Gómez, 2021; Zocchio 2019). While activists have had access to congressional committees (interview with Renato Godoy, August 19, 2022) and have helped shape national agenda-setting processes, with IDEC also playing an important role since 2014 in working with ANVISA through its working groups to identify problems with existing food labels and working with Federal University of Paraná researchers during this process to propose improved labels (IDEC, 2022), activists have not had regular and consistent access to other influential policymaking committees operating within the executive branch, such as in the office of the presidency. Indeed, the one committee that activists had access to for several years within the office of the presidency, *CONSEA* (*Conselho Nacional de Segurança Alimentar e Nutricional*; National Council for Food and Nutrition Security), was closed under the previous Jair Bolsonaro administration (2018-2022) (interview with Renato Godoy, August 19, 2022; Zocchio, 2019). In the past, *CONSEA* was instrumental helping the Lula and Dilma presidential administrations create their national food security and nutrition policies. However, shortly after his re-election into office in 2023 Lula reinstated *CONSEA*, giving hope that these policies will be a priority and that civil society will have influence. Even though activists have access to congressional institutions, their efforts to create federal laws have been repeatedly undermined due to the presence of powerful lobbying tactics and supportive congressional members. This context has made it nearly impossible for the activist community to work with other reformers within government to overcome industry's ongoing power and influence.

Ongoing Industry Power

Despite efforts to introduce fiscal and regulatory policies, soda and ultra-processed food industries in Brazil remain well organized and powerful (interview with Marcello Baird, September 29, 2022; interview with Renato Godoy, August 19, 2022; Rede Brasil Atual, 2022). These industries have been successful in undermining the proposed introduction of congressional regulatory laws through their lobbying efforts, a repeatedly successful policy tactic (interview with Marcello Baird, September 29, 2022; see also Baird, 2015). Nevertheless, as the activist community grows, and as more interest and debate surfaces among them, as well as in social media and within congressional halls, industries will have a difficult time undermining future regulatory policy (interview with Marcello Baird, September 29, 2022). Some activists also believe that Brazil is going through a ‘de-industrialization’ phase and that because of this, they are optimistic that industry’s policy influence, especially with respect to taxes, will decrease (interview with Renato Godoy, August 19, 2022). With the return of the Lula administration, it is possible that industry power will decline and Brazil will embrace new policies to regulate the food and beverage industry.

Conclusion

Recent research on corporate political activity and the commercial determinants of health has provided little insight into the political, institutional, and social contexts that can contribute to a decline in major food and beverage industry power and policy influence. As this article shows, even in emerging middle-income countries, where historically these industries have been very influential (Gómez, 2023), at times governments can overcome industry’s power and influence. This occurs when there is a simultaneous alignment of interests and commitment to pursuing fiscal and regulatory policy reform. As we saw in Mexico and Chile, policymakers’ simultaneous

interests derive from fiscal (taxation) and health concerns (seen mainly at the presidential and bureaucratic levels) and normative human rights beliefs within legislative bodies.

Therefore, with respect to fiscal and regulatory policy responses to the food and beverage sector, there were considerable differences in corporate power and policy influence. Over time, Mexico and Chile saw a decline in these sectors' ability to thwart the implementation of policy. Despite efforts to obstruct the policymaking process, presidents and health officials in these countries succeeded in implementing their preferred fiscal and regulatory policies. In contrast, through aggressive lobbying practices and in the absence of presidential commitment, Brazil has seen the ongoing influence of industries obstructing these fiscal and regulatory policies. While improved food labels were introduced, a sign of Brazil's progress in this area, they were substantially delayed.

However, it is important to note that industries in these countries have remained influential in other policy areas. Business leaders with respect to natural gas pipelines (Mexico; Graham, 2019), covid-19 (Chile; García-Montoya and Manzi 2023), and Indigenous and environmental issues (Brazil; Aljazeera, 2023) have been able to influence policy in their favor.

Moreover, while scholars have emphasized the importance of individual agency and policymakers' perceptions of business retaliation in response to proposed regulatory policies (Fairfield, 2015), the cases of Mexico and Chile suggests that policymaker perceptions of weak retaliatory threats are not necessary for them to pursue reform. Instead, policymaker convictions and interests, fueled through concomitant fiscal and health concerns, changing political contexts, new epidemiological information, and normative beliefs can be sufficient to resist industry preferences and pursue regulations. Furthermore, these case studies revealed that major economic crisis and the governments' decision to recentralize policy authority (Pierson and

Hacker, 2002) is not necessary for a decline in industry power and policy influence. In fact, as seen in Mexico and Chile, this outcome can emerge during stable economic times, when policymaker interests and commitment to reform is strong.

Institutions also matter and can aid the emergence of these interests and the pursuit of reform. As seen in Mexico, institutional *permeation* processes, where nutrition researchers assume important policy positions within government, can facilitate the creation of a unified regulatory policy coalition. While this finding confirms others claiming that institutional permeation processes facilitate gradual health policy reform (Falleti, 2010), Mexico further revealed that it can also serve to reinforce government convictions to pursue controversial regulatory policies.

The case of Chile also revealed that well-organized, proactive civil societal pressures are not necessary for reducing industry's power and policy influence, as other scholars contend (Fairfield, 2015). In Chile, in the absence of a strong social movement demanding soda taxes, sales, advertising, and food labeling regulations, there was sufficient presidential and bureaucratic elite interest and commitment to adopting these policies. While the case of Mexico suggests that civil society is important for helping set the policy agenda, eventually it was President Amlo and congressional members that provided the venue through which civil society could have this influence. Furthermore, international pressures played no role in motivating policymakers in Mexico and Chile to pursue reform. These case studies therefore suggest that centralizing policymaking powers away from big business is a product of presidential, congressional, and bureaucratic elite interests rather than pressures from above (international) and from below (civil society).

That said, a key lesson that emerges from Mexico and Chile is that overcoming industry's power and influence requires a *whole-of-government* interest and commitment to reform. That is, there needs to be simultaneous presidential, bureaucratic, and congressional interest and support for pursuing fiscal and regulatory policies confronting industry opposition. In contrast, and as seen in Brazil, when particular segments of the government are alone and do not have broader support in seeking soda taxes and regulatory policies, these policies will not be aggressively pursued. Big business will have the ability to remain influential.

Finally, more research needs to be done on understanding whether policymaker interests and commitment to regulatory reforms is sustained or whether this reversal of fortunes for the food and beverage industries is itself reversed over time. This is especially the case in countries, such as Mexico, where there is no presidential reelection and where, consequently, government interests can radically change with the arrival of new presidential administrations. While some governments have succeeded in overcoming business power and influence, their pursuit of the public's health is not destined to endure.

■■■

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