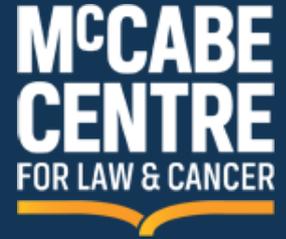


# Using the law as an opportunity for non-communicable disease prevention



**Sondra Davoren**  
**Senior Legal Policy Advisor**

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# Outline

- What is 'the law' and how can it help NCD prevention?
- The global governance framework and examples of legal interventions
- What can we learn from the tobacco experience, for alcohol, diet and physical activity?

# NCD risk factors

- NCDs are largely preventable
- Common behavioural risk factors:
  - Tobacco use
  - Harmful use of alcohol
  - Lack of physical activity, excess energy intake, unhealthy diet
- Influenced by corporate practices and government policies
- All modifiable by law and policy

# Why use the law?

Law has the ability to affect external environments:

- **physical environment:** i.e. planning law that permits the availability/convenience of fast food outlets
- **economic environment:** i.e. tobacco excise taxes increase unaffordability of tobacco products
- **social environment:** i.e. alcohol supply laws restrict access to alcohol for young people, and the supply of alcohol to young people by adults.

# Why use the law?

Law can be developed and deployed at different levels:

1. **International law (e.g. treaties)**
2. Supra-national law (e.g. EU law)
3. **National law**
4. State, devolved law (e.g. Aus/US states)
5. **Local law, policies (e.g. local government by-laws)**

# Why use the law?

Law can be used to regulate businesses

- esp tobacco, alcohol and unhealthy food industries

Law can be used to support governments to develop strategies

# The law in global NCD governance

- 2011 UN Political Declaration
  - “...implementation of multisectoral, cost-effective, population-wide interventions in order to reduce the impact of the common NCD risk factors, through the implementation of relevant international agreements and strategies, and education, legislative, regulatory and fiscal measures...”
- Global Action Plan for the Prevention and Control of NCDs and related targets
- WHO Framework Convention on Tobacco Control
- WHO Global Strategy on the Harmful Use of Alcohol
- WHO Global Strategy on Diet, Physical Activity and Health; WHO set of recommendations on marketing of foods and non-alcoholic beverages to children (and others)

**= all contain recommendations for the use of law in NCD prevention**

# Law in tobacco Control

- Tax and price measures to reduce tobacco consumption
- Bans on tobacco advertising, promotion and sponsorship
- Protection against exposure to tobacco smoke
- Packaging and labelling measures, including graphic health warnings and plain packaging
- Point of sale health warnings
- Tax and price measures to reduce tobacco consumption
- Bans on tobacco advertising, promotion and sponsorship

# Law in alcohol policy

- Increase excise taxes on alcoholic beverages
- Regulation of alcohol advertising, promotion and sponsorship
- Regulation of the availability of alcohol
- Purchase and supply age restrictions
- Point of sale health warnings
-

# Law in diet and unhealthy food policy

- Regulation of:
  - food labelling
  - unhealthy food marketing
  - health claims
- Regulation of:
  - food labelling
  - unhealthy food marketing
  - health claims

# Use of law in tobacco control

## International law: FCTC

- Specific legislative and regulatory actions for governments
- Suggested impact on tobacco prevention and public health:
  - ↑ implementation of tobacco control measures
  - ↓ tobacco use and related health consequences
  - Addressing social determinants of health
  - A new legal dimension to international health cooperation

Citation: 'Impact assessment of the WHO FCTC' FCTC/COP/6/15

## Comprehensive use of law and policy to change the environment

- Informational – graphic health warnings, ad bans, plain packaging
- Economic – changes to tax laws to increase excise tax
- Physical – legislated smoke-free bans, exposure prevention in public health legislation

# Use of law in alcohol policy

- Long tradition of legal interventions, addressing availability, affordability and advertising, including:
  - Retailer licensing and government monopolies (e.g. Canada, Nordic countries)
  - Excise taxes and minimum pricing
  - Alcohol advertising bans (e.g. France *Loi Evin*)
- However, global trend towards liberalisation and dismantling of alcohol policies

# Use of law: unhealthy diet and lack of physical activity

- Wide variety of possible legal and regulatory interventions
- **Similar targets: labelling, pricing, and advertising restrictions.**
- Some progress
  - Sugary drinks tax in Mexico
  - Unhealthy food advertising restrictions in South Korea
  - Mandatory salt reduction targets in South Africa
- **Heavily opposed**
- Policies and implementation vary widely = lack of coherent and transferable approaches

# Translating the tobacco experience to alcohol and food policy - considerations

- ❑ The risk factors are different
- ❑ The demand for evidence is different
- ❑ The regulatory context is different

# The risk factors are different

- There are similarities and differences in the common risk factors – care is needed not to focus on the former at the expense of the latter.
  - **Is the risk profile the same?**
    - Tobacco = kills half of all users
    - Alcohol = between 3% and 10% of cancers/significant risk factor for NCDs but also range of other health and social problems
    - Overweight and obesity = multiple causative factors
  - Are the prevention goals the same?

# The demand for evidence is different

- High standard of evidence required of public health lawyers and policy makers – demanded by industry and government
- Evidence development takes time; engage lawyers at the beginning

# The regulatory context is different

- Industries are on notice
- Laws and law-making evolves; treaties vs non-binding instruments
- Decline of centralised government regulation; rise of non-state regulation and alternatives to hierarchical regulation and control.

# Using the law as an opportunity for NCD prevention

- The law is an integral part of NCD prevention
- Care in the use of precedent in different fact situations
- The evidence, environment and the law changes – so must we.
- Understand the risk factors, understand the law

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CENTRE  
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