

DIETARY GUIDELINES FOR AMERICANS CORPORATE AMERICA



Executive Summary

For the last year, the appointed Dietary Guidelines Advisory Committee (DGAC) has held several meetings to review evidence and provide overarching nutrition and health advice to the U.S. Department of Agriculture (USDA) and the U.S. Department of Health and Human Services (HHS) to ultimately shape the 2020-2025 Dietary Guidelines for Americans (DGA).¹

On June 17, 2020, the DGAC will release their long awaited 2020 draft report, underscoring important nutrition updates concluded by the Committee.² To shape the recommendations posed in the 2020-2025 DGA, the DGAC report, organized by life stage, will be finalized at the end of June, and submitted to the Secretaries of the USDA and HHS.³

In light of this major DGA development, this brief takes a detailed look at how every stage of the DGA process, and imminent release of new 2020-2025 DGA, has been subject to undue industry influence that can jeopardize the health of all Americans, especially Black, Indigenous, people of color (BIPOC) – during both a pandemic and the mounting diet-related disease crisis.

From government officials associated with the food and beverage industry to corporate affiliated Dietary Guidelines Advisory Committee (DGAC) members, this brief uncovers and scrutinizes the deep industry influence over the “nation’s go-to source for nutrition advice”⁴ – the DGA. Days before the DGAC publishes its draft report for the 2020-2025 DGA, we examine public comments submitted by corporations and their industry groups, exposing baffling, poorly-cited recommendations aimed at skewing nutrition guidelines presented in the upcoming 2020-2025 DGA. By spotlighting some of these industry comments, we make the case that it’s time public health policies were set by independent public health professionals, not food and beverage corporations. [Our review of these public comments is based on the comments submitted on the government portal as of May 12, 2020.]

Key Findings

- Almost 70 percent of public comments submitted by organizations were from the food and beverage industry (including transnational corporations and entities that receive food and beverage funding).
- Chavonda Jacobs-Young, current Acting USDA Chief Scientist and key player in the 2020-2025 DGA,⁵ is the current USDA government liaison to International Life Sciences Institute North America’s (ILSI NA) Board of Trustees,⁶ an industry lobby group with deep ties to Big Food and Beverage.
- In addition to the submission of ILSI NA’s own public comment, ILSI ties and ILSI funded research are pervasive across comments submitted by several industry groups and corporations, including the Juice Products Association, the Calorie Control Council, Coca-Cola, and the Sugar Association.

- The McDonald’s-backed National Cattlemen’s Beef Association submitted 19 public comments to influence red meat consumption guidelines among age demographics ranging from toddlers to adults.
- The American Beverage Association⁷ and Juice Products Association,⁸ which are funded by Coca-Cola and PepsiCo, are pushing for regular consumption of 100 percent commercial fruit juice,⁹ even though many public health organizations call this consumption unhealthy.^{10,11}
- Coca-Cola’s public comment submission had questionable citations, confounding references, and misleading summaries, which seem like common practices used by the company to “healthwash” their brand and products.¹²

What are the “Dietary Guidelines for Americans”?

Published every five years since 1980,¹³ the DGAs were formulated to provide key recommendations to help Americans make healthy food and beverage choices, prevent chronic disease, and help all U.S. residents reach and maintain a healthy weight.^{14,15} Intended for policymakers, nutritionists, and health professionals, the DGAs help develop and shape educational messages, consumer materials such as lunch menus, and federal and local nutrition policies and programs.¹⁶

With the percentage of obesity among children and adolescents in the U.S. tripling since the 1970s,¹⁷ for the first time in history the 2020-2025 DGA will include recommendations for pregnant women and newborns.¹⁸

These recommendations will fundamentally influence federal programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). WIC food packages, which feed almost two million infants a year,¹⁹ “provide nearly 100 percent of [DGA] recommendations for dairy in most cases and over 100 percent of recommendations amounts of several other food groups and subgroups.”²⁰ Likewise, federally subsidized and regulated school lunches are modified and compared to the recommended dietary standards for children in the DGAs.²¹

These upcoming guidelines will impact the health and well-being of millions of pregnant women, mothers, and newborns every day,²² especially of Black women, who already have pregnancy-related mortality rate approximately three times as high as that of white women.²³ These guidelines will also affect what more than 30 million schoolchildren eat each school day,²⁴ and instruct the types of meals and nutrition advice the federal government provides to diabetics, especially to Black Americans, who receive diabetes-related limb amputations at a rate triple than that of others.²⁵

And despite being a set of federal guidelines made for a diverse American population, inclusive of race, ethnicity, religion, age, and gender, 90 percent of the 20-member DGAC seem white or white-passing, with only two members that seem to represent BIPOC communities.

The 2020-2025 Dietary Guidelines for Americans? Or corporate profit?

It would be difficult to overstate the importance of these recommendations to the public's health and well-being, especially to communities of color that are most impacted by obesity and diet-related diseases. But the food and beverage industry, spanning from Big Meat processors,²⁶ to the egg industry,²⁷ to Big Soda,²⁸ have spent millions of dollars lobbying the government to shape the DGAs that favor the industry's bottom line – and this year is no different.

Despite stating that the 2020-2025 “DGA development process is transparent, inclusive, and science-driven,”²⁹ the current majority white 2020 DGAC was nominated primarily by the food and beverage industry, including the American Society for Nutrition,³⁰ American Beverage Association,³¹ Grocery Manufacturers Association [which is now Consumer Brands Association],³² National Cattlemen's Beef Association,³³ National Potato Council,³⁴ Unilever,³⁵ and SNAC International,³⁶ Academy of Nutrition and Dietetics,³⁷ and the International Food Information Council Foundation.³⁸ And according to our research, 55 percent of these members have ties with ILSI, an industry lobbying group founded by a former Coca-Cola executive and funded by Coca-Cola, PepsiCo, McDonald's, and other Big Food and Beverage corporations.³⁹

Yet right alongside these industry-nominated DGAC members are a handful of industry-connected government officials tasked to oversee the DGA process, with ties to groups like ILSI, the National Grocers Association (NGA), and SNAC International.

These officials are:

Chavonda Jacobs-Young

Current acting U.S. Department of Agriculture (USDA) Chief Scientist⁴⁰ and Administrator for the Agricultural Research Service (ARS)⁴¹

Current government liaison for industry's International Life Sciences Institute North America (ILSI NA) Board of Trustees⁴²

Maggie Lyons

Current USDA Chief of Staff to the Under Secretary of Food, Nutrition, and Consumer Services⁴³
Former Senior Director of Government Relations for the National Grocers Association (NGA)⁴⁴

Kailee Tkacz

Current USDA Policy Advisor, Office of Congressional Relations^{45,46}

Former Director of Food Policy for the Corn Refiners Association (CRA),⁴⁷ Director of Government Affairs for the Snack Food Association (now SNAC International),⁴⁸ Government Affairs Manager for the NGA⁴⁹

Kristi Boswell

Current Senior Advisor to USDA Secretary Sonny Perdue⁵⁰

Former Director of Congressional Relations for industry's American Farm Bureau Federation⁵¹

Brandon Lipps

Current USDA Under Secretary of the Food, Nutrition, and Consumer Service⁵²

Former Republican House Agriculture Committee counsel with close industry ties to the NGA^{53,54}

The 2020 Dietary Guidelines Advisory Committee: Questionable industry-backed public comments

In the name of transparency, for the first time in history, the USDA and HHS invited the American public to voice their opinions on the topics and supporting scientific questions examined at the start of the DGA development process.⁵⁵ Months later, Americans were also invited to share their feedback on the recommendations that will be outlined in the upcoming DGAC final report to the USDA and the HHS.⁵⁶ In total, over 60,000 comments were submitted.

This opportunity offered to Americans to participate in the DGA development process was wholly leveraged by corporations and their industry groups to push their profit motive. Corporate influence began with DGAC member nominations, then the submission of comments to influence the DGAC topics and scientific questions, and now with another round of comments from the industry attempting to influence the actual recommendations that will be offered by the DGAC, let alone the public officials involved in the DGA development process having a long history of deep ties with Big Food and Beverage.

By allowing corporations to further impact the DGA development process, the DGAC is opening the floodgates for Big Food and Beverage to perpetuate this industry influence.

From the beginning of the comment submission period to May 12, 2020, we analyzed organizational submissions to the DGAC (Docket FNS-2019-0001). We found that 67.92 percent of all organizational submissions were from food and beverage transnational corporations and entities that receive food and beverage funding. These organizations ranged from industry-backed public health organizations, to trade associations, to industry lobbying groups. [See the breakdown in figure-1.]

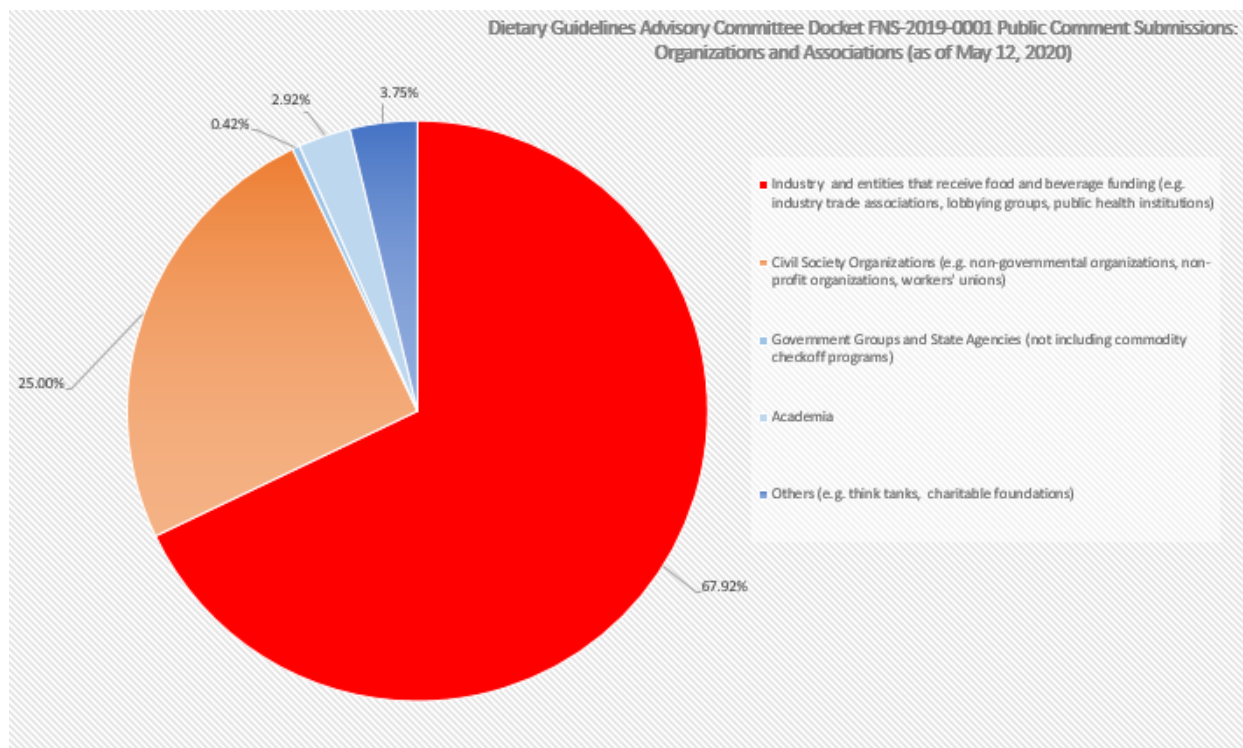


Figure 1: Breakdown of organizations that submitted public comments for 2020-2025 DGA - Organized by type

Contained in these industry comments are an array of ill-cited and baffling recommendations aimed at skewing the 2020-2025 DGA in favor of the food and beverage industry. We analyzed a handful of comments directed to three out of the seven subcommittees:

Beverage and Added Sugar Subcommittee of 2020 DGAC

The Sugar Association

The Sugar Association, led by former ILSI employee P. Courtney Gaine,⁵⁷ cited an article on sugar that was published by Mayo Clinic Proceedings⁵⁸ and co-authored by individuals affiliated with a group that received almost \$200,000 in “unrestricted education grant[s]” from Coca-Cola since 2014.^{59,60} According to Mayo Clinic Proceedings, all authors “should disclose interactions with ANY entity that could be considered broadly relevant to the work.”⁶¹ However, several authors did not disclose their past funding from the soda giant.

Despite health and nutrition experts recommending that children should not consume drinks with added sugars or nonnutritive sweeteners,⁶² the industry group cited an article funded by the Sugar Association suggesting controversial conclusions, by stating “some small changes that could be recommended include the substitution of water or milk for SSB [Sugar-Sweetened Beverages]. Dietitians have long heralded “watering down” sugary drinks before providing them to children.”⁶³ This article, with such alarming conclusions, was co-authored by Gaine alongside current ILSI NA trustee member Regan L. Bailey,^{64,65} current Chair of the Data Analysis and Food Pattern Modeling Cross-Cutting Working Group and Member of the Dietary Fats and Seafood Subcommittee of the current DGAC.⁶⁶

American Beverage Association (ABA)

Notwithstanding studies showing that even 100 percent juices contain a significant amount of added sugar, nonnutritive sweeteners, or both,⁶⁷ ABA, backed by hundreds of beverage producers, distributors, franchise companies, and support industries,⁶⁸ including Coca-Cola, PepsiCo, and Keurig Dr Pepper, recommended in its comment that “new guidelines support consumption of 8 oz per day of 100 percent juice” among children and adolescents.⁶⁹

Calorie Control Council (CCC)

The industry group, which received almost \$2,500,000 since 2010 from Coca-Cola,⁷⁰ stated that low-to-no-calorie sweeteners are “safe and effective tools in reducing sugar and overall calories.”⁷¹ However, the CCC cited research supported by ILSI,⁷² another industry group backed by the same food and beverage corporations, and Coca-Cola.^{73,74}

Juice Product Association (JPA)

Echoing ABA, the JPA, also funded by Coca-Cola and PepsiCo, supports guidelines for daily 100 percent juice consumption,⁷⁵ stating “juices may even contain greater concentrations of bioactives from the fruit.”⁷⁶ JPA cited research funded by the association and co-authored by two ILSI NA affiliated individuals: Adam Drewnowski⁷⁷ and Mario G. Ferruzzi.^{78,79} Ferruzzi held professional and advisory relationships with Nestlé, General Mills, Welch’s, Mead Johnson Nutrition, and PepsiCo.⁸⁰ Drewnowski even received grants from Danone and McDonald’s, among other food and beverage corporations.⁸¹

The Coca-Cola Company

Coca-Cola, owner of MinuteMaid, Simply, and Suja Juice, stated that “recent research indicates 100 percent fruit and vegetable juice is a key source of phytonutrients, which are associated with health benefits.”⁸² Like the industry groups it backs, such as ABA and JPA, the corporation flaunted the health benefits of 100 percent juice. However, both citations offered to support this claim only focused on the health effects of Concord and Niagara grape juice, not all 100 percent fruit and vegetable juices. One article was even funded by leading juice brand Welch Foods Inc.,^{83,84} which was co-authored by Ferruzzi, a current ILSI NA trustee member⁸⁵ that held professional and scientific advisory relationships with various food and beverage corporations.⁸⁶

Birth to 24 Months Subcommittee of 2020 DGAC:

Infant Nutrition Council of America (INCA)

Despite nutrition experts advising against sugar-sweetened toddler milks, also known as milk drinks,⁸⁷ the industry-backed group recommended that “products such as follow-on formulas, milk-based toddler drinks, and oral nutrition supplements align with the dairy food group but are fortified to provide more of certain nutrients, such as iron, than regular dairy products.”⁸⁸

This recommendation is strategically propping up commercial baby products that are high in added sugars and provide no unique nutritional value.⁸⁹

Danone North America

Danone stated that yogurt should be “a first food in complementary feeding at 6 months as part of an overall healthy dietary pattern.”⁹⁰ Yet most commercial yogurts contain a significant amount of sugar,⁹¹ “meaning that just one yogurt can put kids worryingly close to their maximum daily sugar allowance.”⁹² Danone also cited industry-sponsored research published by ILSI *Nutrition Reviews* and co-authored by Sharon Donovan,⁹³ longtime Danone advisor,⁹⁴ *Nutrition Reviews* associate editor,⁹⁵ and current Chair of the Pregnancy and Lactation Subcommittee of the DGAC.⁹⁶

SNAC International

Industry trade association SNAC International recommends that “toddlers need two-three healthy snacks a day to meet nutritional requirements . . . all of which are available from snack foods our members offer in their products.”⁹⁷ However, its 400 member corporations, including PepsiCo and Nestlé, sell snacks such as 100 percent juice, toddler milks, and rice cereals,⁹⁸ which are often high in sugar and chemicals.⁹⁹ As stated by public health attorney Michele Simon, “by any measure of good health, sugary beverages and salty snacks are not exactly ‘part of a balanced diet.’”¹⁰⁰

The National Cattlemen’s Beef Association, a contractor to the Beef Checkoff

This McDonald’s-backed beef industry group submitted a total of 19 public comments to keep red meat into the dietary guidelines. According to the association, “the evidence supporting beef’s role in maintaining micronutrient status is strong and there is consistent evidence supporting a role of meat in dietary patterns associated with developmental milestones.”¹⁰¹ However, research also shows that “diets without red meat are healthful, nutritionally adequate for all stages, including infancy, childhood, and adolescence when appropriately planned.”¹⁰² In fact, an article co-authored by DGAC member Linda Van Horn found that “among U.S. adults, higher intake of processed meat, unprocessed red meat, or poultry, but not fish, was significantly associated with a small increased risk of incident CVD [cardiovascular disease].”¹⁰³ Thus, it is imperative that the 2020-2025 DGA address objective and holistic science, and not just the science that industry leverages to justify consumption of their unhealthy products.¹⁰⁴

Pregnancy and Lactation Subcommittee of 2020 DGAC:

The National Dairy Council’s recommendation for pregnant women is that “dairy foods, especially milk, provide several nutrients required in higher amounts during pregnancy.”¹⁰⁵ However, recent research found that there are several non-dairy foods that are healthier and supply high amounts of calcium for pregnant women.¹⁰⁶ A study also “observe[d] a potentially

important positive association between dairy (especially milk) consumption and risk of breast cancer.”¹⁰⁷ The 2020-2025 DGA must consider all aspects of scientific research before formalizing recommendations for pregnant and new mothers.

Takeaways:

The recommendations provided by food and beverage industry are often supported by questionable science, industry-backed entities, and researchers with deep industry ties. Allowing these comments submitted by profit-driven entities to influence the DGA process can be detrimental to the health and well-being of millions of babies, pregnant women, and seniors across the country, and especially to those BIPOC communities that are deeply impacted by diet-related disease epidemic and the COVID-19 pandemic.

Americans need impartial nutrition guidelines now:

This diet-related disease crisis has exacerbated the pandemic, with people from low income communities¹⁰⁸ and BIPOC communities disproportionately dying from COVID-19 due to underlying health conditions such as diabetes, hypertension, and obesity.¹⁰⁹ HHS Secretary Alex Azar, a key player in the 2020-2025 DGA and former pharmaceutical industry lobbyist and executive,¹¹⁰ blamed these disproportionate COVID-19 deaths on communities with “greater risk profiles,” perpetuating a narrative that Black Americans and people of color have higher rates of diet-related diseases by choice.¹¹¹ But in reality, these preventable diseases are in large part due to the food and beverage industry’s political influence over our public health system, including the DGAs and lobbying against local, state, and federal public health policies aimed at addressing historic and structural health inequities.^{112,113,114} With obesity being the “single biggest chronic risk factor for [COVID-19] admission,”^{115,116} the health and well-being of our entire country is dependent on public health policies and programs that are shaped by nutrition guidelines. These should be based on the strongest science, not the preferences of industry. Now more than ever, Americans need impartial nutrition guidelines without the influence of Big Food and Beverage.

Shaping the American diet to benefit the food and beverage industry should not be the norm.¹¹⁷ Americans should be given adequate and scientifically sound nutritional recommendations that they can trust as the true cornerstone for federal food and nutrition guidance.

Recommendations:

Instead of blaming communities of color for a crisis exacerbated by Big Food and Beverage,¹¹⁸ HHS Secretary Azar, alongside USDA Secretary Sonny Perdue, should implement concrete reforms to the DGA process for developing impartial nutrition recommendations, free of industry interference.

The USDA and HHS should:

- Prohibit ILSI and other industry groups from nominating participants in official food and nutrition policy processes, such as in the development of the DGAs.
- Prohibit those with ties to ILSI and other industry groups from participating in future DGA development processes.
- Discontinue all partnerships and “involvement” with ILSI and other industry groups, including disallowing government employees from affiliating with the group.
- Uphold prohibitions on “revolving doors,” including mandatory “cooling-off” or “waiting” periods for former civil servants or public officials to engage in lobbying activities.
- Immediately implement appropriate mandatory “revolving door” prohibitions to reduce industry influence on public health policies, such as preventing former/current corporate lobbyists from engaging in the DGA development processes.

In addition, the DGAC should:

- Require each current DGAC member to publicly disclose all past and current industry ties.
- Publicly disclose direct government interactions with ILSI and other industry groups, including interactions with USDA and HHS public officials.
- Prohibit citations referencing any scientific study published by industry-backed peer-reviewed journals, including ILSI’s *Nutrition Reviews*, or any study that is supported by industry or industry funding.
- Make a public commitment stating that the recommendations submitted by corporations and industry groups will not influence the final DGAC report or the 2020-2025 DGA.

In addition, the food and beverage industry should:

- Sever all ties with ILSI and other industry groups, including ILSI’s *Nutrition Reviews*.
- Issue a public statement condemning the role of ILSI and other industry groups in influencing public health policy and promotion of junk science, specifically their troubling influence on the DGAs.
- Provide full global disclosure of past and current political and charitable giving, including lobbying expenditures towards the DGAs.
- Stop funding questionable scientific research and channeling research funding through industry groups like ILSI.

Endnotes:

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