

It Does What It Says on the Tin, Or Does It?

Food Labelling as a Site of Responsibilization, Regulation, and Advertisement.

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Food Labelling as a Site of Responsibilization, Regulation, and Advertisement.

Kraft Singles™ or Compliments™ cheddar-flavour slices? It's almost guaranteed that you have stood in the grocery aisle, faced with two similar products, and tasked with making a decision. This may seem like an incredibly mundane moment, but actually marks our continuous conscription into neoliberalism. Most would agree that having information provided to base our nutritional choices on is positive, but with guidance comes an unspoken obligation to make the “right” choice. Canada operates under the neoliberal model, in which liberation of freedom comes through a decrease in government intervention and an increase in the role of the private sector, leading to responsibilization of citizens. Responsibilization can be defined as “the process of getting people to accept more responsibility for themselves” by decreasing government intervention and promoting risk management by the individual (Ng, 2023). Citizens who avoid risk by making good choices are moral citizens, and those who do not choose correctly become a burden to the system and are therefore bad citizens (Ng, 2023). Ng's (2023) article names Canada's Food Guide as a major site for this shift of obligation, although a 2008 study found that only 22% of Canadians obtain their nutrition guidance from government materials (Schermer et al., 2013, p.667). Instead, this paper will focus on food labelling as the main way we are conscripted into being responsible eaters, given that 68% reported using food labels as nutrition guidance (Schermer et al., 2013, p.667). If a moment of judgement between two packages of cheese slices carried the magnitude of how good of a citizen you are, wouldn't you want to be given reliable tools to make your choice? This paper will argue that the complications of food

labels as both an allegedly trustworthy tool of responsabilization and a product of a deregulated profit-driven industry create a logical fallacy that undermines the tenets of neoliberalism. By exploring Canada's industry labelling guidance I seek to prove that government regulation of the food industry is imperative to healthy population, and I will provide evidence that when for-profit parties are left to their own devices they will consistently choose sales over public health and safety.

For many of us, it is difficult to imagine a time before food labels. Pre-industrialization, food would have been acquired through direct contact with the farmer or producer, and personal relationships ensured that information would be passed to the consumer reliably and ethically. As these relationships were replaced by corporate supply chains during the industrialization of the 19th and 20th centuries, supermarkets became the defining food acquisition method. This necessitated that the source of trust and information migrate from human connection to food labels (Knezevic, 2017). In this way, labelling within a neoliberal context functions as a “mechanism that shifts the onus [of public health] from those who profit in the market (in this case, the food industry) to those who ‘choose’ to participate in the market (in this case, eaters)” (Knezevic 2017 p.246). On paper, food labels perform their task but in reality Knezevic (2017) argues they are an “opportunity to advertise and make glowing claims” (p.247). In order to make choices using label information, we must assume it is ingenious and accurate, though the reality of what we are given is cherry-picked at best and unsubstantiated at worst.

These labelling practices exist within the neoliberal model, which is profit driven with an ‘antipathy’ toward welfare and collectivism (Peter & Liaschenko, 2014). This leads to a focus on

individual responsibility, termed responsabilization (Bone, 2012). Citizens mitigate health risk by choosing from the options presented, based on the information provided on packaging.

Neoliberalism expects the “self-regulating” market to be simultaneously freed of responsibility for public health and to provide label information that is in the consumers’ best interest, rather than profit. Bone (2012) references Friedman as an originator of neoliberal ideals, having said the “one and only social responsibility of business- to use its resources and engage in activities designed to increase its profits so long as it [...]engages in open and free competition without deception or fraud.” (Friedman as cited in Bone, 2012). The author then raises the question: if the only obligation is for ‘profit maximization’, and there is no ‘social conscience’ - nor government intervention to regulate, what factors prevent an eclipse of morality and ethics within corporate practice (Bone, 2012)? Past precedent shows that in the choice of ethical conduct versus profit margin, the deciding factor is always money. Take for example the 1970s Ford Pinto – due to ‘competitive pressure’ the production of the car did not undergo rigorous safety testing in the rush to bring it to market. During manufacturing a defect was found that could lead to its gas tank combusting during relatively minor rear end collisions. A cost/benefit analysis conducted internally revealed that circumventing the issue would cost 11 dollars per car, while settling legal action resulting from injury and deaths would be cheaper, so production continued unaltered (Bone 2012 p.657). A series of deaths and serious injuries caused by this defect resulted in the largest punitive damages payout to date, as well as tightening of safety legislation in the automotive sector. Though the families of the affected received compensation, they would probably agree that the 11 dollars saved by Ford was not worth their loved ones’ life. This

illustrates the type of issue that can occur as a result of unchecked profit acquisition, further proving that the self regulating market is not in the interest of public health and safety.

It doesn't stop with cars, in fact food can be a site where corporations seek to increase profit at the expense of our ability to make good choices. In regard to food labelling, advocacy groups claim that "misleading and exaggerated marketing dupes consumers" and companies seek to profit from these practices (Jacobs, 2021). Micheal Jacobson, executive director of the "Stop the Lying Labels" campaign said "in his forty-plus years of dealing with the food industry, he has 'never encountered such bold deception and disregard for the law' as he sees now in the area of food labelling" (Hoffmann, Schwartz, 2016 p.59). Incidence of class-action lawsuits against food and beverage companies on the basis of misleading labels increased 5 times in 10 years, and when documentation was requested, 28% lacked "adequate substantiation" of label claims (Jacobs, 2021, paras. 4,22). Food Fraud is the term used by inspection Canada to refer to misrepresentation of food, such as mislabelling, adulteration or substitution, and they say it can pose serious health risks.

Without government intervention, food labels can be falsified. Even with current restrictions, claims that appear on the front of packaging are selectively chosen to conceal information that may dissuade sales and draw our attention to healthful factors that persuade sales (Knezevic, 2017). Canada is recognized as having one of the top food systems in terms of preventing food misrepresentation and ensuring food safety, but even with the stringent restrictions there are still places of confusion that prevent responsabilized citizens from making informed choices. Take for example a consumer with hypertension (high blood pressure) looking

to buy chilli powder. Under current restrictions, chilli powder can refer to powdered chilli peppers or a blend of spices, and the only way to differentiate is to look at the ingredients (Internetshaquille, 2024). However, one would only know to look if they were aware in the first place, leading to a hypertensive consumer intending to lower their sodium intake potentially purchasing chilli powder that contains salt. YouTube user Internetshaquille is using his ‘Confusing Groceries’ series to inform his viewers of such differentiation, with many chiming into the comments to say that they had unintentionally purchased the wrong type in the past (Internetshaquille, 2024).

Salt in our chilli powder is an extremely minor risk to consumers in comparison to countries such as China, where food labelling compliance was conducted out of goodwill until 2008 when an incident prompted the creation of the Chinese Food Nutrition Labelling Regulation (CFNLR) (Ochulor et al, 2022). In 2008, 300,000 children became ill and 6 died due to adulteration of milk products. Melamine, the same plastic used in foam magic-eraser sponges, was added to products including infant formula to cut costs and increase protein readings, while causing kidney failure in infants (Everstine et al, 2012). Twenty-two Chinese dairy companies were found guilty and their products recalled. The CFNLR was intended to circumvent these incidents, but compliance with the program is only voluntary (Ochulor et al, 2022), and since then dairy containing melamine has been “repeatedly discovered for sale in China” (Everstine et al, 2012). Dairy products for sale in Canada are subject to rigorous testing under the Food and Drug Act (FDA), Food and Drug Regulations (FDR), Safe Food for Canadians Act (SFCA), Safe Food for Canadians Regulations (SFCR), as well as having their facilities inspected by the CDC under the Milk Industry Act (MIA) (Inspection Canada, 2024). These processes ensure that the

dairy products are analyzed thoroughly and that the labelling requirements are met so Canadians receive the product they are anticipating. Conditions for food regulation in China make it clear that the industry is incapable of regulating itself under the lure of profit, and existence of such stringent regulations in Canada show that these regulations are vital to support a healthy population.

Despite having more stringent food labelling law, the Canadian food market is still a treacherous landscape to make food choices in. Canadian Food Inspection Agency (CFIA) recently had to issue a notice to “remind industry ... of the legal responsibility to ensure full compliance with the regulatory requirements and outline the control and enforcement measures for non-compliance” (Inspection Canada, 2022). Much like a landlord only sends a no pets reminder when a tenant is harbouring a secret cat, this notice to industry suggests non-compliance that necessitates a warning of the possible consequence. Threat of recall, seizure of goods, license suspension or cancellation, and fines up to \$15,000.00 still resulted in 80 of the 826 samples with high risk coming back unsatisfactory in the 2021-2022 food fraud report (Inspection Canada, 2023). The existence of food fraud despite potential financial consequences implies companies perform similar cost/benefit analysis as seen with the Ford Pinto.

Returning to the cheese slice conundrum in the grocery aisle, we can rest assured that they do not contain melamine; however consider the confusing messaging we receive even with the restrictions in place. I visited a Safeway in Vancouver during April of 2024 and took photographs of the packaging and prices of the cheese choices. What I saw was that the Kraft™ Singles (priced at \$6.99) packaging touts no artificial colouring or flavouring and that it is made

with real milk, while the Compliments™ cheddar-flavour slices (priced at \$4.69) claim to be a source of calcium. Some consumers would pay the extra \$2.30 thinking they are avoiding artificial colours and flavours by purchasing Kraft™ over Compliments™, and some would save the \$2.30 and think they are receiving more calcium. The truth however is that the food contained inside these labels is almost nutritionally identical and both options meet labelling standards to fulfill the claims that swayed our consumers (Inspection Canada, 2024).

It is exhausting to be constantly tasked with not becoming a burden to society, and places a lot of stress on us to eat ‘correctly’. The impact of this stress is tenfold if we are unsure of the accuracy of food labelling and therefore unsure of the risk we are assuming by choosing certain products. The juxtaposition of food labelling as a tool of profit-hungry industry that will circumvent restrictions whenever possible, while simultaneously being the source citizens are expected to rely on to make healthy eating decisions points to a broken system. Neoliberalism claims that the well-being of the population will be “best advanced” by free markets and liberation of individual freedom, but Bone (2012) says this is an “irrational belief in the efficacy of free markets in spite of an abundance of contradictory evidence” (p.652). We are expected to live and function under a system known to be irrational, and then blamed for any failings we make to protect ourselves while Kraft™ collects their \$6.99.

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