

How EFSA let Big Food shape its risk communication policy

‘Reverse’ revolving door case highlights serious concerns that the food industry has captured the EU food safety agency’s risk communication policy

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Public relations expertise developed by a food-and-drink-industry-funded think tank seems to be being promoted by the European Union’s food safety agency, following the appointment of a food industry insider. The PR strategy on dealing with risks has even been included in official guidelines. Recent cases of former Commissioners going through the revolving doors into lobbying jobs have raised questions about conflicts of interest. This case study sheds light on the lack of EU regulation aiming at preventing industry’s privileged access, through the ‘reverse’ revolving door, to the EU policy-making process.

Context

In April, two months after he officially left his Brussels job, former Enterprise Commissioner Günter Verheugen set up his own EU lobby consultancy firm¹. This summer, Joe Borg, ex-Commissioner responsible for maritime affairs joined Fipra, a PR consultancy actively lobbying on maritime issues² and Benita Ferrero-Waldner, formerly in charge of external relations is now working for insurance company Munich Re. These cases of ex-Commissioners going through the revolving door to cash in on lobbying made headlines because of concerns over conflicts of interest³. In these cases the Commission failed to properly apply the existing Code of Conduct for Commissioners⁴, which as a result is now being reviewed⁵.

Conflicts of interest where high-level Commission or EU agency officials take up new jobs with companies or lobby consultancies assisting corporate clients without any “cooling-off” period attract fewer media headlines. These conflicts arise only because the Commission fails to enforce EU staff regulations, which include Article 16 intended to prevent potential conflicts of interest:

“Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit.”⁶

Even less known are the so-called 'reverse' revolving doors, when someone moves from industry to an EU institution. Yet according to the United State transparency group Public Citizen's government affairs lobbyist Craig Holman: "Appointment of private-sector executives and lobbyists to posts within government that oversee their former industry or employer creates the potential for bias in policy formulation and regulatory enforcement"⁷.

"Business and special interest groups may 'capture' a federal regulatory agency by getting their own personnel appointed to key government posts", Holman warns.

'Reverse' revolving doors: a debate in the US, but not in the EU

The public debate on reverse revolving doors is clearly live in the US. When he entered the White House in January 2009, President Obama required presidential appointees to disqualify themselves from matters that effect former employers and clients because of their conflict of interest. This was the first time a reverse revolving door ban had been implemented. Following Obama's lead, a bill was introduced in the Senate in April 2010 proposing a six-year ban on lobbyists wishing to enter congressional service⁸. In June, the US Senate Energy and Natural Resources Committee passed an amendment to ban Department of the Interior employees who had come from industry from overseeing matters relating to any former industry employer or client for one year⁹. Public Citizen goes further, demanding a "ban on for-profit lobbyists assuming public office in agencies that they lobbied within the last three years"¹⁰.

In the EU, no specific rules regarding reverse revolving doors exist to prevent "a conflict with the legitimate interests of the institution". Such conflicts regularly happen but are never commented upon. They allow industry players, who have vested interests, privileged access into the EU policy-making process and an opportunity to provide biased expertise. This vested industry interest rarely – if ever – serves the interests of the wider public.

One recent example comes from the European Food Safety Authority (EFSA), the Parma-based EU agency which is supposed to provide independent scientific advice and communication on risks associated with the food chain¹¹. On Monday 17 May 2010, Laura Smillie started her new job as number two in the Communications Directorate at EFSA. Less than three weeks before, she had still been an employee of the European Food Information Council (EUFIC), a food-industry-sponsored think tank whose members and funders include Coca-Cola, Danone, Kraft Foods, Mars, McDonald's, Nestlé, and Unilever¹² – all big players from the Confederation of the food and drink industries of the EU (CIAA), one of the most influential industry lobby groups in Brussels.

EUFIC is governed by a board of directors "elected from member companies" (see Box 1)¹³. This public relations arm of the food industry has been chaired by Josephine Wills¹⁴ previously EU lobbyist-in-chief for snack company Mars in Brussels since January 2006. In 2005, Wills, who was then just a EUFIC board member (December 2000¹⁵ - June 2006¹⁶), represented EUFIC on a CIAA "task force" on diet, physical activity and health¹⁷ – which shows the strong links between EUFIC's and CIAA's expertise.

BOX 1

EUFIC's board of CIAA lobbyists

All EUFIC board members¹⁸ are top-level EU lobbyists for the food and drink industry, some with permanent access badges to the European Parliament. One in two hold or have recently held executive or strategic positions at CIAA:

- **Patrick O'Quin**, EUFIC president, vice president of external affairs and head of EU regulatory affairs at **Danone**¹⁹. Member of **CIAA**'s board of directors and executive committee from 2006 to 2008²⁰.
- **Joan Prats**, EUFIC vice-president, corporate responsibility director for health and wellness at **Coca-Cola**²¹.
- **Guido Kayaert**, EUFIC treasurer, vice president of relations with European institutions at **Nestlé**. Also a lobbyist for the **CIAA** in 2005²² and a member of the CIAA's board of directors and executive committee from 2006 to 2008²³.
- **Alessandro Cagli**, director of public affairs & corporate social responsibility at **Ferrero Group**²⁴. Registered lobbyist at the European Parliament for Ferrero²⁵. Member of **CIAA**'s board of directors from 2006 to 2008²⁶. Member of the Society of European Affairs Professionals (SEAP), the EU lobbyists' lobby group²⁷.
- **Anne Heughan**, external affairs director, **Unilever**, and chair of the **CIAA** Nutrition and Health claims working group²⁸. Also a member of SEAP.
- **Lyn Trytsman-Gray**, director of public affairs at **Kraft Foods** till August 2010²⁹. Chair of the **CIAA**'s Diet, Physical Activity and Health Task Force since 2006³⁰ and a member since at least 2005³¹. Still registered as a lobbyist with a permanent access badge to the European Parliament for Kraft Foods³². Also a founder member and president of SEAP.
- **Mariusz Michalik**, director of scientific and regulatory affairs for **PepsiCo** International UK, Europe and Middle East³³.
- **David Coleman**, director of European public affairs at **McDonald's Europe**³⁴. Member of SEAP.
- **Elizabeth Fay**, European head of communications for Truvia, **Cargill**'s brand for Reb-A, a natural sweetener from the stevia leaf³⁵.
- **Theo Stickers**, director of strategy and marketing at **DSM Food Specialties**³⁶.

According to EUFIC, its mission is to enhance the public's understanding of nutrition by providing "credible, science-based information on the nutritional quality and safety of foods"³⁷. Although the organisation's scientific advisory board must ensure that the information is "representative, factually correct and truthful", several board members have been involved in controversies which seem to contradict EUFIC's mission³⁸. A former chairman of the board was involved in a science funding scandal that cost him his position at the UN Food and Agriculture Organisation, while a former member of the board, who co-authored a review for the European Commission claiming that aspartame was safe, did not disclose his links with the aspartame industry³⁹. More importantly, the information EUFIC provides is sometimes misleading and not "representative" as EUFIC fails to make clear on its website that some of the research it disseminates is industry-sponsored (see Box 2).

BOX 2

Chewing gum, snacks and genetically modified food is good for you: scientifically proven!

Articles on EUFIC's website include headlines such as "Chewing gum found to control appetite", which goes on to suggest that a cheap and easy slimming cure is possible simply by chewing gum⁴⁰. A headline which must have been quite popular with Wrigley and Orbit – both owned by Mars Inc.⁴¹ – and Stimorol, Hollywood or Trident – owned by Kraft Foods⁴² – both important members of EUFIC. What EUFIC does not tell its readers – misleadingly – is that the research was entirely sponsored by Wrigley, the world's number one maker of chewing gum⁴³.

"Snacking for health?" is the sub-heading introducing the conclusion of another article which argues that "having up to 3 snacks a day and ingesting a wide range of foods and drinks can have a positive, rather than a negative, impact on health"⁴⁴. Good news for leading EUFIC members PepsiCo, Kraft and Mars, which are also leaders of the snacks industry.

EUFIC also seems to have a bias in favour of genetically modified food. One of its articles⁴⁵ has been described as "abound[ing] in industry spin"⁴⁶. Perhaps because Nestlé, Kraft, Cargill and Novozymes – all pro-GM companies – are members of EUFIC?

EUFIC: making the case for Big Food

According to her biography, Laura Smillie joined EUFIC in 2005 as communications manager⁴⁷. Her job description included "manag[ing] the production of internal communications to member companies" with support from "EUFIC extranet for members", "represent[ing] EUFIC at certain meetings, Stakeholder platforms, EU Institutions", and "develop[ing] strategic communications plan as part of the overall EUFIC Plan and Vision"⁴⁸.

One of EUFIC's main audiences after the general public, are policy makers. So "developing a strategic communications plan" can be assumed to include lobbying. Although Smillie contends that EUFIC "is not a lobbying organisation", EUFIC should have registered in the Commission's register of interest representatives as it is clearly engaged in "activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions"⁴⁹.

Smillie in fact makes no secret of the fact that she represented EUFIC's interests to EFSA: "As a member of EUFIC, I was also a member of EFSA's stakeholders consultative platform for five years", she told Corporate Europe Observatory⁵⁰. Other members of that platform included major industry lobby groups such as the European Chemical Industry Council (CEFIC); the Confederation of the Food and Drink Industries of the EU (CIAA); the Association of European Retailers, Wholesalers and International Traders (EUROCOMMERCE); the European Association for Bioindustries (EUROPABIO) and the European Association of Craft, Small and Medium-sized Enterprises (UEAPME)⁵¹. Smillie also represented EUFIC at the European Commission⁵² and the World Health Organisation⁵³.

To lift the veil of secrecy surrounding EUFIC's true strategic goals in terms of lobbying, Corporate Europe Observatory asked the think tank for copies of the 2009 and 2010 "overall EUFIC Plan and Vision" (EUFIC's detailed roadmap with priorities, goals and agenda mentioned in Smillie's job description) along with the names of the authors of these planning

documents. EUFIC's press officer Philip Springuel responded that such documents do not exist⁵⁴.

Food risk communication guidelines and model

While on the payroll of the food and drinks industry, Smillie was asked to develop 'risk communication guidelines' for EUFIC. In Smillie's own words, the aim was to "develop communication guidance for European communicators for communicating scientific risk uncertainty"⁵⁵.

But why does industry want such 'guidelines' for the media and "European communicators" (scientists, policy makers, public agencies)? The answer is straightforward: media-driven public hostility to a product or process may seriously harm an industry's bottom line. It may lead to rejection of a new technology (f.i. genetically modified food) and may compromise investments and the value of patents.

To try to gain academic credibility, EUFIC partnered with and sponsored the King's Centre for Risk Management (KCRM) at London's King's College, to develop its model and risk communication guidelines.

Swedish professor in risk management Ragnar Löfstedt is the director of the KCRM. Since 2004 he is also adjunct professor at the Harvard Center for Risk Analysis⁵⁶, a controversial industry-funded entity which in the early 1990s downplayed the risks of passive smoking while soliciting money from Philip Morris⁵⁷. Since 2007, Löfstedt has received research funding from Coca-Cola. He is a paid consultant with EUFIC⁵⁸.

Laura Smillie presented "EUFIC's model for food risk communication" at the World Conference of Science Journalists in Westminster, United Kingdom, in July 2009. The session, entitled "Food: the good, the bad and the misreported", was sponsored by EUFIC⁵⁹.

The food industry's theoretical model was then published in January 2010 in the Journal of Risk Research⁶⁰. The authors, Smillie and a colleague, gratefully thanked EUFIC's "Interest group on food safety and quality" as well as Ragnar Löfstedt for their input and comments on the manuscript. Corporate Europe Observatory asked EUFIC for the list of members of its "Interest group on food safety and quality" but didn't receive a response.

In the same issue of the Journal of Risk Research, which was dedicated to "Media and risk", Löfstedt published an article proposing "Risk communication guidelines for Europe" on which EUFIC's model is based. His research was sponsored by EUFIC, among others, and received input from Smillie⁶¹. Given their direct industry funding, neither article was considered as original research articles but as "viewpoints"⁶².

Implementing Big Food's PR expertise at EFSA?

When Smillie started working at EFSA in May 2010, she was directly involved in the Advisory Forum Working Group on Communications (AFWGC). This body, which gathers EFSA staff and heads of communications of national food safety authorities, aims among other things at "developing risk communication guidelines" – a task for which Laura Smillie is responsible⁶³.

Minutes

ADVISORY FORUM WORKING GROUP ON COMMUNICATIONS

**MADRID, SPAIN
26-27 MAY 2010**

11. Follow up of the debate on risk communication guidelines

- 11.1. Karen Talbot updated the group on progress made to date and informed the members that Laura Smillie will take over her task - coordinating the work on the Risk Communications Guidelines and finalising the main sections of the agreed

Smillie is also a member of EFSA's Advisory Group on Risk Communications (AGRC), which is made up of EFSA staff and "seven experts reflecting Europe's wide culture diversity in terms of food, diet, culinary tradition and eating behaviour". The AGRC "provides advice to the Executive Director on risk communications issues and practices"⁶⁴.

Ragnar Löfstedt from King's is one of these experts⁶⁵, as is Porto university nutritionist Maria Daniel Vaz de Almeida, who receives research funding from Nestlé⁶⁶, and French sociologist Claude Fischler who has recently acted as a paid consultant for Unilever and Bonduelle⁶⁷. This group met in Parma on 11 October 2010, where Smillie presented new risk communication guidelines for EFSA and discussed them with other AGRC members⁶⁸.

Parma, 17 September 2010

**13th PLENARY MEETING OF THE EFSA
ADVISORY GROUP ON RISK COMMUNICATIONS**

Meeting date: 11 October 2010

Meeting hours:	9:00 – 15:30
Chair:	Catherine Geslain-Lanéelle

14.30	10	RISK COMMUNICATION GUIDELINES (Laura Smillie)
15.20	11	DATES FOR MEETINGS IN 2011

The food and drink industry-funded PR expertise on food risk communication also appears to have been disseminated by EFSA to non-EU governments. In June 2010, the agency organised a two-day seminar in Parma on the topic: "Handling food crises: tasks and responsibilities of the risk assessor". On that occasion, Smillie explained to her audience – 27 participants from the food safety authorities in five potential candidate countries to the EU – how to manage communication in a crisis⁶⁹.

Parma, 22 July 2010

Seminar for the Potential Candidate Countries

**HANDLING FOOD CRISES:
TASKS AND RESPONSIBILITIES OF THE RISK ASSESSOR**

Hotel Star du Parc, Parma, 23/24 June 2010

15.30 – 16.10	Managing communication in a crisis by <i>Laura Smillie</i> , Senior Communications Advisor, The Communications Directorate, EFSA
16.10 – 16.40	<i>Coffee Break</i>

It is difficult to imagine that Smillie is not influenced by the theoretical model and guidelines developed for industry with Löfstedt when she speaks at these events.

And she does not deny it: “I have published in the academic literature and one of the reasons why I was selected for the position is that I’m known to have an area of expertise in the field of food risk communication, so it seems relevant I continue to work in that particular area,” Smillie told Corporate Europe Observatory (CEO)⁷⁰. “I also believe, you know, I understand good-quality science”, she added.

Later that same day CEO received an unsolicited e-mail from Lucia de Luca, EFSA’s press officer: “EFSA would like to clarify that Laura Smillie was recruited following an open call procedure. The interviewing panel selected Ms Smillie for her sound expertise and years of experience in the field of communications.” De Luca added that EFSA staff (administrator grades), similar to experts, have to complete an annual declaration of interests “which goes beyond the requirements of EFSA’s founding regulation and is an effective firewall against any potential conflict of interest for the duration of their contract with EFSA”⁷¹.

When CEO asked Lucia de Luca for Smillie’s declaration of interests (DoI), the head of the legal and policy affairs unit, Dirk Detken, replied: “The Dols of EFSA staff are not available to third parties as they fall under Regulation (EC) No 45/2001 on the protection of personal data. The exception to this rule is the Dols of EFSA’s Management Team that EFSA decided to make publicly available”⁷².

Conclusion

This case study shows how specific PR expertise developed for and funded by the food and drink industry has found its way to EFSA, through both the revolving door (Laura Smillie) and through an industry-funded expert (Ragnar Löfstedt).

That EFSA hired Laura Smillie to work on the very same issue that she had been lobbying EFSA on in her previous job at EUFIC raises serious concerns about her ability to act in the public interest. Her expertise is in a form of risk communication which was developed to serve vested interests – i.e. to limit the media impact of food crises and the related large economic losses that these crises could cause for the food industry.

This same expertise now appears to be promoted by an EU public agency which claims to be an “independent source of scientific advice and communication on risks associated with the food chain”⁷³.

The EU today very often uncritically adopts expertise developed by and for industry in its policy making. This is an undemocratic practice that occurs regularly through private-to-public revolving door cases like the one described in this case study.

The lack of regulation on 'reverse' revolving doors puts the EU institutions *de facto* in a situation of potential conflict of interest between their public goals and means to reach them whenever they hire staff with specific expertise from the private sector. How can a public institution serve the public good when it recruits internal experts tailored to industry needs?

As a review of the EU's staff regulations is said to be underway, the Commission should take this opportunity to draft rules on reverse revolving doors to prevent such conflicts with the legitimate interests of the EU institutions. The Commission should tighten the staff rules and introduce a 'cooling-off' period of at least two years for industry insiders moving to EU institutions.

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- ⁶⁴ <http://www.efsa.europa.eu/en/riskcommunication/agrc.htm>
- ⁶⁵ Another expert is French sociologist Claude Fischler, who once spoke at a conference organised by ARISE, a highly controversial tobacco and food industry front group active in the 1990s ; <http://www.sourcewatch.org/index.php?title=ARISE>
- ⁶⁶ <https://doi.efsa.europa.eu/doi/?wicket:interface=:0:memberslistpanel:panelmemberlist:7:expertdoi:linkDoiPdf::IResourceListener::>
- ⁶⁷ <https://doi.efsa.europa.eu/doi/?wicket:interface=:0:memberslistpanel:panelmemberlist:2:expertdoi:linkDoiPdf::IResourceListener::>
- ⁶⁸ <http://www.efsa.europa.eu/en/events/event/agrc101011-a.pdf>
- ⁶⁹ <http://www.efsa.europa.eu/fr/events/event/phare100623-m.pdf>
- ⁷⁰ Telephone interview, 30 September 2010.
- ⁷¹ E-mail from Lucia de Luca, 30 September 2010.
- ⁷² E-mail from Dirk Detken, 5 October 2010.
- ⁷³ <http://www.efsa.europa.eu/en/aboutefsa.htm>