Common themes in discussions about legislation to promote healthy eating

- Questions about the role of government intervention
- Questions about evidence of potential effectiveness
Evidence and public health legislation

- Development of legislation
- Challenges to legislation
  - Is the measure rationally connected to its objective?
  - Is the measure the least intrusive means reasonably available to achieve the objective?
Limitations of evidence-based approaches

- Complex relationships between nutrition and chronic disease, between interventions and relevant behaviours, nutrition and chronic disease
- Challenges of assessing effectiveness of interventions in complex systems
- Policy implications: conservative bias, preference for certain types of interventions
Policy-making in the context of uncertainty

Uncertainty about risks and causes

- Evidence-based approach = conservative
  - Prefers negative error (false negative) to positive error (false positive)
- Alternative approach: precautionary principle
  - If risk is serious, action may be justified in the absence of conclusive evidence

Uncertainty about effectiveness of measure

- Evidence-based approach = conservative
  - Prefers negative error (underestimate effectiveness) to positive error (overestimate effectiveness)
  - And, prefers certain types of interventions
- Alternative approach???
Proposed new approaches

- “Best available” v. “best possible” evidence
- “Living experiments” approach
  - Act now, collect evidence later (and feed back)
  - Integrate evaluation into policy design and implementation
Challenges with this approach

- Evaluation of “living experiments” will face same difficulties with evidence
- Potential ethical issues
- Entrenchment of existing policies
- Need for consensus on criteria to select “promising” interventions
  - Strong prima facie evidence
  - Plausibility (theories of biology or behaviour)
  - Feasibility (economic, political)
  - Equity (distribution of benefits and harms)
  - Potential for unintended or harmful effects