

State Obligations in the Context of Unhealthy Diets: Paving the Way within the Inter-American Human Rights System¹

Obligaciones estatales en el contexto de dietas no saludables:
allanando el camino dentro del sistema interamericano de
derechos humanos

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Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay, ICSID Case No. ARB/10/7 (formerly FTR Holding SA, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay)



Case type:	International Investment Agreement
Claimant(s):	Philip Morris Brands Sàrl, Abal Hermanos S.A.
Respondent state:	Uruguay
Applicable arbitration rules:	ICSID
Investment treaty:	Switzerland-Uruguay BIT
Applicable legal instruments:	Switzerland-Uruguay BIT



INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES
WASHINGTON, D.C.

In the arbitration proceeding between

**PHILIP MORRIS BRANDS SÀRL,
PHILIP MORRIS PRODUCTS S.A.
AND
ABAL HERMANOS S.A.**

(Claimants)

-and -

ORIENTAL REPUBLIC OF URUGUAY
(Respondent)

ICSID Case No. ARB/10/7

DECISION ON RECTIFICATION

Members of the Tribunal
Prof. Piero Bernardini, President
Mr. Gary Born
Judge James Crawford

Secretary of the Tribunal
Mrs. Mairée Uran Bidegain

Date of dispatch to the Parties: September 26, 2016

Statement by the UN Special Rapporteur on the right to health on the adoption of front-of-package warning labelling to tackle NCDs



Conclusion

Within the framework of the right-to-health, States are required to adopt regulatory measures aimed at tackling NCDs, such as front-of-package warning labelling on foods and beverages containing excessive amounts of critical nutrients. Front-of-package warning labelling should follow the best available evidence free from conflicts of interest, as a mechanism through which healthy choices can become the easier and preferred option.

In line with the right to health framework, States should regulate the activities of the food and beverage industry, which are increasingly implicated in the global obesity and NCDs epidemic, in order to mitigate the detrimental impact their actions have on the enjoyment of the right to health and other rights. States should **decisively counter undue influence of corporations on government decision-making by strengthening legal frameworks and safeguard the policies that protect the right to health, such as the front-of-package warning labelling, from commercial and other vested interests of the food and beverage industry.** Furthermore, the food and beverage industry has an independent responsibility to respect human rights.

Without clear efforts to promote action on the prevention of unhealthy diets, the rise of NCDs will remain on the margins of global health action. States cannot remain passive in the face of NCDs. They should adopt an integral approach to reduce the consumption of unhealthy food products through the use of a broader set of laws and regulations. Front-of-package warning labelling is a key measure for States to tackle the burden of NCDs.

