

# EBANI

Enabling Business to Advance Nutrition Index

## Kenya

Country report

April 2021





## **About GAIN**

The Global Alliance for Improved Nutrition (GAIN) is a Swiss-based foundation launched at the UN in 2002 to tackle the human suffering caused by malnutrition. GAIN is driven by a vision of a world without malnutrition, in which all people, especially the most vulnerable, have access to and consume nutritious and safe food. Working with governments, businesses, and civil society, we aim to transform food systems so that they deliver more nutritious food for all people, especially the most vulnerable.

## **About SBN**

Since 2010, the SUN Movement has inspired a new way of working collaboratively to end malnutrition, in all its forms. With the governments of 63 SUN Countries in the lead, it unites people – from civil society, the United Nations, donors, businesses, and researchers – in a collective effort to improve nutrition. Established in 2012, the SUN Business Network (SBN) is the private sector branch of the SUN Movement and aims to support businesses in growing the role they play in improving nutrition and to support SUN countries in developing national business engagement strategies. SBN is co-convened by the Global Alliance for Improved Nutrition (GAIN) and the United Nations World Food Programme (WFP).

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## EBANI

The Enabling Business to Advance Nutrition Index (EBANI) is a tool developed by GAIN and SBN that provides insights into the nutrition and food policy landscapes in 30 countries.

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# 1. INTRODUCTION

Poor diets and the food systems that support them are major drivers of malnutrition in all its forms, including avoidable ill health, throughout the world. But, with appropriate policy and legislative measures, food systems could be better shaped to support universal goals like zero hunger and good health and wellbeing.

In low- and middle-income countries, small and medium enterprises (SME) provide the bulk of the food that people eat, especially people who are resource-constrained<sup>1</sup>. Unfortunately, not enough of the food that is available, affordable and desirable, from SMEs and other sources, is nutritious, safe and sustainable.

Though SMEs are engaged in and contribute to nourishing the world, they face many barriers, including operating in environments that do not always reward good practices. In many cases, SMEs need more support and appropriate incentives if they are to underpin the major changes in our food systems that are needed to protect people and the planet.

The Enabling Business to Advance Nutrition Index (**EBANI**) is a tool created by the Global Alliance for Improved Nutrition (GAIN) and the Scaling Up Nutrition (SUN) Business Network (SBN) that provides insights into the nutrition and food policy landscapes in 30 countries where SBNs are present. Once EBANI has been launched, it will be available on the SBN website, with the expectation of future updates to the Index every 2 to 3 years.

EBANI measures the policy and legislative enablers for increasing private-sector investment in safe, nutritious food in these countries. It serves as a global and national advocacy tool that can help to provide key recommendations to governments on how they can make their policy and legislative environments more enabling for businesses to contribute to advancing positive nutrition outcomes.

This national EBANI report for Kenya aims to provide policy-specific insights to facilitate discussions between the national, regional and local government representatives and SBN members regarding existing policies and how to align future policies or programmes to better support nutritious and safe diets. It is also a tool that other interested stakeholders, such as those in civil society, can use to identify areas for developing and targeting advocacy efforts.

Due to the extent of the areas covered by the indicators, potential initiatives will likely need to be further prioritised. Identification of priorities could consider factors such as what are the salient food systems issues in-country, which existing policies have had impact, and where are policy gaps contributing to nutrition-related challenges. To support the setting of country priorities, a set of observations and recommendations are included, identifying where possible regional or worldwide good practices to inform how the country's policies may be adapted to support an improved EBANI performance across its 22 indicators.

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<sup>1</sup> <https://www.gainhealth.org/sites/default/files/publications/documents/gain-working-paper-series-2-the-role-of-small-and-medium-sized-enterprises-in-nutritious-food-supply-chains-in-africa.pdf>

## 2. KENYA SCORECARD SUMMARY

The EBANI Kenya report has three main sections:

1. The **EBANI Overview** section: This sets out the 22 EBANI indicators with a simple explanation behind their inclusion in this index and what they mean in terms of enabling businesses to advance nutrition. A summary of the methodology is also provided.
2. The **EBANI Kenya Scorecard**: This includes an overview of the country's existing policies, measures, and scores relating to the 22 EBANI indicators – examining food and nutrition standards, safety, communication and support for private-sector players, among others. This scorecard is presented as a matrix detailing each of the 22 indicators, all of which are scored as either **1** or **0**. A score of 1 reflects adequate fully or partially implemented policies or achieving a certain threshold on data-related indicators (such as existing global indices). A full methodology is available to highlight the specific language within policies that drives the EBANI score.
3. Thirdly, conclusions and implications for policy and advocacy are presented, on the basis of the overall EBANI score. Guidance is also provided on how to use the content of EBANI for the setting of in-country priorities and convening dialogues for advocacy initiatives, alongside high-level observations and recommendations.

Further to the main sections of this report, an appendix is included covering the following support content:

**Appendix: Global Good Practice Examples.** This section includes insights collected during the research for the composition of the EBANI index, highlighting global examples of Good Practices for each indicator, with several examples where available. It also elaborates on what is covered by the indicators and provides a general indication of how they have been assessed.

The background features seven light brown circles of varying sizes arranged in a grid-like pattern. The circles are labeled with letters: 'A', 'B', 'C' in the top row; 'D', 'E', 'F' in the middle row; and 'G' in the bottom row. The text '3. EBANI OVERVIEW' is centered over the circles.

# 3. EBANI OVERVIEW

A

B

C

D

E

F

G



### 3. EBANI OVERVIEW

EBANI is a collection of 22 indicators covering seven groups, each aimed at classifying the country-based policies that promote key aspects of an *enabled* nutrition and business environment (Figure 1, below):



Figure 1: EBANI Indicator Groups

#### **A: Promoting National Planning and Procurement**

The first group, *Promoting National Planning and Procurement*, includes the following indicators:

1. Specified role for private sector in National Nutrition Plan (NNP, or equivalent if no NNP),
2. National non-communicable disease (NCD) policy with a focus on nutrition that has a specified role for private sector, and
3. Public food procurement policies (social protection, hospitals) go beyond staple foods.

The rationale for including **1** is to highlight whether the government is actively thinking about how the private sector contributes and supports the advancement of nutrition. The rationale behind **2** is to determine if the government is actively thinking about how private-sector activities relate to NCDs. Indicator **3** is included to show that whether the government is being proactive in sending signals to the private sector about promoting/adapting food baskets to ensure dietary diversity.

#### **B: Promoting Fortification and Reformulation**

The second cluster, *Promoting Fortification and Reformulation*, includes the following indicators:

4. Mandatory food fortification policies for more than one staple food,
5. Reformulation policies to encourage a reduction of salt or sugar in processed foods, and
6. Reformulation policy to encourage removal of trans fats in processed foods

The rationale for including **4**, **5**, and **6** is to show whether the government is being proactive about sending signals to the private sector about the importance of nutritious foods – those that are fortified, those that contain lower levels of ingredients deemed unhealthy in large quantities like salt and sugar, and those that contain fewer trans fats (which are associated with heart disease).

## C: Promoting Food Safety and Food Labelling

The third cluster, *Promoting Food Safety and Food Labelling*, includes the following indicators:

7. Food safety certificates are required for sale of food in the formal sector,
8. Food safety certificates are required for sale of food in the informal sector,
9. Policies to regulate mycotoxins in food exist, and
10. Regulations that all pre-packaged food products must list nutritional value of ingredients exist

The rationale for including **7**, **8**, and **9** is to indicate whether the government is being proactive about sending the private sector signals about the safety of foods. The rationale for including **10** is to show government again being proactive about sending the private sector signals about the importance of nutritious foods.

## D: Promoting Special Provisions for Children

The fourth cluster, *Promoting Special Provisions for Children*, includes the following indicators:

11. National laws substantially aligned with the International Code of Marketing of Breast-milk Substitutes (BMS)<sup>2</sup>,
12. School meals provision is explicitly guided by food-based dietary guidelines, and
13. Some regulation of marketing of junk food to children exists

The rationale for including **11** is to indicate whether the government is being proactive about sending the private sector signals about the promoting exclusive breastfeeding for the first 6 months of a child's life and other provisions in CODEX<sup>3</sup>. Indicator **12** shows again if the government is being proactive about sending the private sector signals about the importance of nutritious foods, particularly for school children. Indicator **13** shows if government is being proactive about sending the private sector signals about the importance of protecting children from unhealthy food environments.

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<sup>2</sup><https://apps.who.int/iris/bitstream/handle/10665/40382/9241541601.pdf;jsessionid=B5A533AE9ECE4E962AC4B6E883089C6?sequence=1>

<sup>3</sup> <http://www.fao.org/fao-who-codexalimentarius/en/>

## **E: Promoting Technical and Financial Support**

The fifth cluster, *Promoting Technical and Financial Support (including provisions for women and agricultural businesses)*, includes the following indicators:

14. Support to SMEs to comply with any food regulations,
15. Dedicated access to finance for SMEs (Ease of Doing Business 'Getting Credit' score above 50),
16. Policies to support women in food businesses, and
17. Enabling climate for agricultural businesses (Enabling the Business of Agriculture index score above 50)

The rationale for including **14** is to show the government is serious about SMEs as a source of nutritious food – given that most regulations relate to food safety or nutrition. Indicator **15** is included to show whether the government is proactive in supporting SMEs as a major source of nutritious food. The rationale for including **16** is to determine whether government is being proactive about supporting female food entrepreneurs, who face more barriers than their male counterparts in similar businesses. Indicator **17** shows whether government is supportive of agriculture in general, which is necessary but not sufficient for promoting access to nutritious foods.

## **F: Promoting Subsidies, Taxes and Duties for Improved Nutrition**

The sixth cluster, *Promoting Subsidies, Taxes and Duties for Improved Nutrition*, includes the following indicators:

18. Subsidies or lower or no taxes on production or sale of nutritious foods,
19. Taxes on sugar-sweetened beverages, and
20. Lower or no import duties on nutritious foods

The rationale for including **18** and **19** is to show whether the government is willing to adjust fiscal policy to incentivise nutritious foods. Indicator **20** shows whether the government is willing to adjust trade policy to incentivise nutritious foods.

## **G: Promoting Zoning and Planning Policies to Reduce Food Loss and Improve Nutrition**

The seventh and final cluster, *Promoting Zoning and Planning Policies to Reduce Food Loss and Improve Nutrition*, includes the remaining two indicators:

21. Zoning or planning laws regulating location of fast-food outlets exist, and
22. Policies to reduce food loss exist

The rationale for including **21** is to determine whether the government is willing to adjust zoning policy to disincentivise unhealthy foods. Indicator **22** suggests whether the government is proactive about ways to promote reduction in loss.



Table 1, below, summarises the different indicators under each group:

Cluster	Indicators included
<b>A Promoting National Planning and Procurement</b>	<ol style="list-style-type: none"> <li>1. Specified role for private sector in National Nutrition Plan (or equivalent if no NNP)</li> <li>2. National non-communicable disease (NCD) policy with a focus on nutrition that has a specified role for private sector</li> <li>3. Public food procurement policies (social protection, hospitals) go beyond staple foods</li> </ol>
<b>B Promoting Fortification and Reformulation</b>	<ol style="list-style-type: none"> <li>4. Mandatory food fortification policies for more than one staple food</li> <li>5. Reformulation policies to encourage a reduction of salt or sugar in processed foods, and</li> <li>6. Reformulation policy to encourage removal of trans fats in processed foods.</li> </ol>
<b>C Promoting Food Safety and Food Labelling</b>	<ol style="list-style-type: none"> <li>7. Food safety certificates are required for sale of food in the formal sector</li> <li>8. Food safety certificates are required for sale of food in the informal sector</li> <li>9. Policies to regulate mycotoxins in food exist</li> <li>10. Regulations that all pre-packaged food products must list nutritional value of ingredients exist</li> </ol>
<b>D Promoting Special Provisions for Children</b>	<ol style="list-style-type: none"> <li>11. National laws substantially aligned with the International Code of Marketing of Breast-milk Substitutes (BMS)</li> <li>12. School meals provision is explicitly guided by food-based dietary guidelines</li> <li>13. Some regulation of marketing of junk food to children exists</li> </ol>
<b>E Promoting Technical and Financial Support: including provisions for women and agricultural businesses</b>	<ol style="list-style-type: none"> <li>14. Support to SMEs to comply with any food regulations</li> <li>15. Dedicated access to finance for SMEs (Ease of Doing Business 'Getting Credit' score above 50)</li> <li>16. Policies to support women in food businesses</li> <li>17. Enabling climate for agricultural businesses (Enabling the Business of Agriculture index score above 50)</li> </ol>
<b>F Promoting Subsidies, Taxes, and Duties for Improved Nutrition</b>	<ol style="list-style-type: none"> <li>18. Subsidies or lower or no taxes on production or sale of nutritious foods</li> <li>19. Taxes on sugar-sweetened beverages</li> <li>20. Lower or no import duties on nutritious foods</li> </ol>
<b>G Promoting Zoning and Planning Policies to Reduce Food Loss and Improve Nutrition</b>	<ol style="list-style-type: none"> <li>21. Zoning or planning laws regulating location of fast-food outlets exist</li> <li>22. Policies to reduce food loss exist</li> </ol>

**Table 1: EBANI Indicators by Group**

## EBANI – Methodology Overview

The EBANI index utilises global sources to assess the existing policy landscape in each country. Once a policy is established to exist, it was analysed by the project team to verify the existence of initiatives/strategies that aligned to each relevant indicator and ensure that the relevant policies remained active and were not out of date. The research for the EBANI Index was conducted in 2020, and thus does not consider policies enacted after that. For reference, any policy that encompassed 2020 was considered active for the purpose of considering the EBANI scoring.

Some indicators utilise data-driven thresholds for the scoring, as identified in **Section 4** within the 'Indicator Scoring' column of the EBANI scorecard. These indicators are based on existing global indices, such as the Ease of Doing Business<sup>4</sup> or the Enabling Business of Agriculture Index<sup>5</sup>.

The primary source of information leveraged by EBANI was the Nutrition Landscape Information System (NLiS)<sup>6</sup>, from the World Health Organisation. Secondary sources used by NLiS include all major aggregators of nutrition indicators that had been previously discussed with the GAIN team (i.e., Global database on the Implementation of Nutrition Action [GINA]<sup>7</sup>, Access to Nutrition Index [GAIN]<sup>8</sup>, SUN country strategies [SUN Business Network]<sup>9</sup>, and the Global Nutrition report [Multiple Stakeholders]<sup>10</sup>, among others. In the event of missing data within NLiS, further desk research was conducted to provide access and insight into key policies. Non-policy sources, including academic papers on implementation and efficiency, were avoided whenever possible to ensure that primary sources form the backbone of the index.

In the current iteration, the EBANI score will be composed of a value between 0 out of 22, on the foundation of the policy-based indicators included. These indicators are binary and based on a 'Yes/No' consideration of whether existing in-country policies address the topics/initiatives addressed in the food policy categories. In the event of a 'No' the report informs, where possible, of the latest developments concerning that particular indicator.

A complete methodology report is available to provide further detail on the inputs and calculations for the scorecard. It provides insight into the specific language within policies that support the assigned score, as well as an overview of the findings of any related research, to provide context on the approach followed. This approach allowed us to generate comprehensive information whilst ensuring consistency across countries.

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<sup>4</sup> Doing Business 2020 (<https://www.doingbusiness.org>)

<sup>5</sup> Enabling Business of Agriculture Index (<https://eba.worldbank.org>)

<sup>6</sup> Nutrition Landscape Information System (<https://www.who.int/nutrition/nlis/en/>)

<sup>7</sup> Global database on the Implementation of Nutrition Action (<https://www.who.int/nutrition/gina/en/>)

<sup>8</sup> Global Alliance for Improved Nutrition (<https://www.gainhealth.org/>)

<sup>9</sup> Scaling Up Nutrition Business Network (<https://scalingupnutrition.org/sun-supporters/sun-business-network/>)

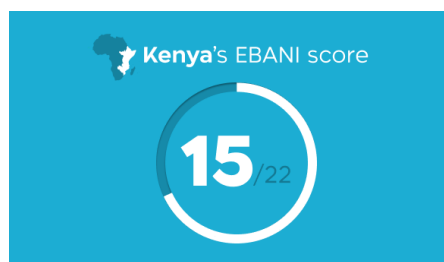
<sup>10</sup> Global Nutrition Report (<https://globalnutritionreport.org>)



**4.  
EBANI  
KENYA  
SCORECARD**



## 4. EBANI KENYA SCORECARD



SCORE PER INDICATOR GROUP

National planning & procurement	HIGH
Fortification & reformulation	VERY HIGH
Food safety & food labelling	HIGH
Provisions for children	LOW
Technical & financial support	HIGH
Subsidies, taxes & duties	HIGH
Zoning, planning & food loss reduction	MODERATE

### National planning & procurement

- Specified role for private sector in national nutrition plan
- National nutrition-related non-communicable disease policy with private sector role
- Public food procurement policies go beyond staple food

### Food safety & food labelling

- Food safety certificates required for sale of food – formal sector
- Food safety certificates required for sale of food – informal sector
- Policy on regulating mycotoxin levels exists
- Regulations that all pre-packaged foods must list nutritional value of ingredients

### Technical & financial support

- Support to small and medium enterprises to comply with any food regulations
- Dedicated access to finance for small and medium enterprises (Doing Business credit score >50)
- Policies to support women in businesses exist
- The Enabling the Business of Agriculture Index is above 50

### Fortification & reformulation

- Mandatory food fortification for ≥ 1 staple food
- Reformulation policies encouraging reduction of salt or sugar in processed foods
- Reformulation policy on removal of trans fats in processed food

### Provisions for children

- International code of marketing of breastmilk substitutes enshrined in law
- School meals provision explicitly guided by food based dietary guidelines
- Regulation of marketing of junk food to children

### Subsidies, taxes & duties

- Subsidies or lower or no taxes on production or sale of nutritious foods
- Taxes on sugar sweetened beverages exist
- Lower or no import duties placed on nutritious foods

### Zoning, planning & food loss reduction

- Zoning or planning laws regulating locations of fast food outlets exist
- Policies to reduce food loss exist

### EAST AFRICA

Kenya	15
Tanzania	13
Ethiopia	9
Uganda	7
Burundi	4

### SOUTHERN AFRICA

Mozambique	13
Lesotho	11
Malawi	9
Madagascar	7
Zambia	4

### WEST AFRICA

Nigeria	14
Cote d'Ivoire	12
Senegal	12
Mali	10
Guinea	8
Gambia	7
Niger	7
DRC	3

### SOUTH ASIA

Pakistan	14
Nepal	12
Afghanistan	11
Bangladesh	9
Yemen	7
Sri Lanka	7

### SOUTH EAST ASIA

Vietnam	11
Philippines	11
Cambodia	10
LAO PDR	8
Indonesia	8
Myanmar	4

Note: DRC (Central Africa) and Yemen (Middle East) have been categorised in the West Africa and South Asia regions respectively to include them in regional categories with other countries

## Cluster A - Promoting National Planning and Procurement

### INDICATOR 1 – Specified role for private sector in National Nutrition Plan (or equivalent if no NNP)

1 YES 0 NO

#### Kenya National Nutrition Action Plan 2018-2022 (Main Policy)

Other policies that support this indicator:

- Kenya National Strategy for the Prevention and Control of Non-Communicable Diseases 2015 – 2020
- Kenya National Food Fortification Strategic Plan 2018 – 2022 National Guidelines for Healthy Diets and Physical Activity 2017

### INDICATOR 2 – National diet-related non-communicable disease (NCD) policy with a focus on nutrition that has a specified role for private sector

1 YES 0 NO

#### Kenya National Strategy for the Prevention and Control of Non-Communicable Diseases 2015 – 2020 (Main Policy)

*Main Policy is out of date, as of 2021, and requires updating. Whilst the policy does indicate a role for local and international partnerships for the prevention and control of Non-Communicable Diseases, the private sector is only given a specific role as a partner for initiatives for the reduced usage of alcohol and tobacco*

### INDICATOR 3 – Public food procurement policies (social protection, hospitals) go beyond staple foods

1 YES 0 NO

#### Kenya National Nutrition Action Plan 2018-2022 (Main Policy)

*National Nutrition Action Plan does include references to public procurement initiatives in health and emergency related situations, for the purpose of improved nutrition. Such initiatives could be expanded to include further public institutions*

## Cluster B - Promoting Fortification and Reformulation

### INDICATOR 4 – Mandatory food fortification policies for $\geq 1$ staple foods

1 YES  NONE

Kenya National Food Fortification Strategic Plan 2018 – 2022 (Main Policy)

Other policies that support this indicator:

- Food, Drugs, and Chemical Substances Act No. 57, 2015

### INDICATOR 5 – Reformulation policies to encourage reduction of salt or sugar in processed foods exist

1 YES  NONE

Kenya Agri-Nutrition Implementation Strategy (Main Policy)

### INDICATOR 6 – Reformulation policy on removal of trans fats in processed foods

1 YES  NONE

Kenya National Strategy for the Prevention and Control of Non-Communicable Diseases 2015 – 2020 (Main Policy)



## Cluster C – Promoting Food Safety and Food Labelling

### INDICATOR 7 – Food Safety certificates required for sale of food – formal sector

**1 YES**  NONE

#### The Animal Health Act of 2019 (Main Policy)

*The Animal Health Act of 2019 regulates health certificate requirements for exports and imports, any meat for sale must be sourced from a slaughterhouse to which it shall be traceable by means of a certificate*

### INDICATOR 8 – Food Safety certificates required for sale of food – informal sector

YES **0 NONE**

#### The Animal Health Act of 2019 (Main Policy)

*The Animal Health Act of 2019 regulates health certificate requirements for exports and imports, but does not have specific provisions for Informal traders, neither does the current National Nutrition Action Plan*

### INDICATOR 9 – Policy on regulating mycotoxin levels

YES **0 NONE**

#### Foods, Drugs and Chemical Substances Regulations, 1978 (Main Policy)

*Current legislation regulates mycotoxins for foods but excludes dairy*

### INDICATOR 10 – Regulations that all pre-packaged food products must list nutritional value of ingredients

**1 YES**  NONE

#### National Food and Nutrition Security Policy 2011 (Main Policy)

Other policies that support this indicator:

- Food, Drugs and Chemical Substances (food labelling, additives, and standards) Regulation 2009

## Cluster D – Promoting Special Provisions for Children

### INDICATOR 11 – BMS Code partially enshrined in law

1 PARTLY/FULLY 0 NO

*Note: Kenya was evaluated to be 'Moderately aligned with the Code' within the BMS National Implementation of the International Code 2020 Report from IBFAN, UNICEF and the WHO. An evaluation of Substantially aligned with the Code is required for a score of 1.*

Other policies that support this indicator:

- The Breast Milk Substitutes (Regulation and Control) Act No. 34 2012

### INDICATOR 12 – School meals provision explicitly guided by food-based dietary guidelines

1 YES 0 NO

Kenya National Nutrition Action Plan 2018-2022 (Main Policy)

Other policies that support this indicator:

- National School Health Policy 2011 – 2015

### INDICATOR 13 – Regulation of marketing of junk food to children

1 SOME 0 NONE

Kenya National Nutrition Action Plan 2018-2022 (Main Policy)

*The current Code of Advertising Practice and Direct Marketing 2003 allows for the Advertising Standards Body of Kenya to restrict the advertisements addressed to or targeted towards children or that are likely to influence children, or which might result in harming them mentally, morally, physically or emotionally. The legislation does not explicitly mention unhealthy foods, though this is a goal of the National Nutrition Action Plan*

## Cluster E – Promoting Technical and Financial Support

### INDICATOR 14 – Support to SMEs to comply with any food regulations



*National Nutrition Action Plan delineates support to increase readiness of response in disaster situations, without specifying other support mechanism for private sector players in the nutrition space.*

### INDICATOR 15 – Dedicated Access to Finance for SMEs



**Ease of Doing Business Getting Credit Score: 95**

Other policies that support this indicator:

- SME Credit Guarantee Scheme

### INDICATOR 16 – Policies to support women in food businesses



**Kenya Vision 2030 (Main Policy)**

*In the 10-year update of Kenya Vision 2030 it was announced that over 700k beneficiaries had accessed the fund for finances or Technical assistance across all sectors. Nutrition specific support could be earmarked in the National Nutrition Action Plan*

Other policies that support this indicator:

- Sixth National Development Plan 2011 - 2015
- The National Policy on Gender and Development 2019

### INDICATOR 17 – Enabling climate for agricultural businesses



Final Score: **64.80**

Registering fertilizer: **5.56**

Registering machinery: **85.69**

Supplying seed: **79.47**

Securing water: **100**

Sustaining livestock: **81.67**

Accessing finance: **40**

Protecting plant health: **40**

Trading food: **86.02**

*All scores out of 100*

## Cluster F –Promoting Subsidies, Taxes, and Duties for Improved Nutrition

### INDICATOR 18 – Subsidies / lower or no taxes on production / sale of nutritious foods

1 SOME 0 NONE

Kenya National Strategy for the Prevention and Control of Non-Communicable Diseases 2015 – 2020 (Main Policy)

### INDICATOR 19 – Taxes on Sugar-Sweetened Beverages (SSBs)

1 SOME 0 NONE

The Sugar Imports – Exports and by Products regulations 2018 (Main Policy)

- Registration for the import or export of sugar or sugar by-products

*Note: this might not be a tax, but the registration fee does require sugar producers to pay a fee that other sectors might not require*

Other policies that support this indicator:

- The Excise Duty Act 2015
- The Sugar General Regulations 2018

### INDICATOR 20 – Lower or no import duties on nutritious foods

1 SOME 0 NONE

*Note: Food traded within these countries will not be charged import duties, yet there is no specific policy in place that explicitly addresses the removal of import duties for nutritious foods and therefore it does not count towards the EBANI score.*

Handbook on Importing and Exporting in Kenya (Main Policy)

- East African Customs Union Protocol

## Cluster G – Promoting Zoning and Planning Policies to Reduce Food Loss and Improve Nutrition

### INDICATOR 21 – Zoning or planning laws regulating location of fast-food outlets

1 YES 0 NONE

The Physical Planning Act 2009 (Main Policy)

### INDICATOR 22 – Policies to reduce food loss

1 YES 0 NONE

National Food and Nutrition Security Policy 2011 (Main Policy)

*Note: Food loss specific measures not highlighted*



## 5. EBANI RECOMMENDATIONS

This section provides an overview of the recommendations that result from this country report, with a focus on *How to use EBANI* going forward, following on a framework to facilitate the agenda for action over the coming years.

### How to use Ebani?

- A** A starting point for discussions
- B** Focused assessment on Current Situation
- C** Definition of selected priority areas

**A Starting Point for Discussions:** This national EBANI report for aims to provide policy-specific insights to facilitate discussions between the national, regional and local government representatives and SBN members regarding existing policies and how to align future policies or programmes to better support nutritious and safe diets. These insights should be seen as the starting point for in-country and/or regional discussions.

**B Focused assessment on the Current Situation:** Due to the extent of the areas covered by the indicators, potential initiatives will likely need to be prioritised. Priority could be assigned taking into account current areas of focus in-country and the *impact of existing policies* (indicators scored as 1), as well as where *policy gaps* (indicators scored as 0) are contributing to nutrition related challenges. It is highly advisable that discussions are centred on **both** these fronts, and not just on indicators scoring 0.

**C Definition of Selected Priority Areas:** Building on the assessment of the current situation in country, selected priority areas can then be identified for the short and mid-term. The EBANI index is expected to be updated every 2 years, to provide further insights into the changing policy environment and an updated view on global good practices and regional trends.

### Advocacy supported by EBANI

Following the framework above, and with the focus of the resulting priority areas, advocacy initiatives can be launched by establishing contact with the appropriate collaborator network for each initiative, as detailed in the illustrative matrix below

### Advocacy Initiative – EBANI Indicator priorities

#### Establishing a National Tax on Sugar Sweetened Beverages

Rationale: Aligning with regional standards and targeting improvements NCD statistics

Network of Collaborators

**Policy Owner:** Ministry of Health / Ministry of Commerce  
**Supporting Framework:** National Nutrition Plan & National NCD Strategy  
**Private Sector Support:** National Business Council & Chamber of Commerce

To support the setting of country priorities, this section contains high-level observations and recommendations on how the existing food policies in Kenya could address challenges to advance **nutrition-related standards** and outcomes, leveraging the latest Global Nutrition Report<sup>11</sup>. Further recommendations regarding **advancing business entrepreneurship and investment into nutritious foods** are also included. These recommendations leverage *global* and *EBANI* good practice examples, that could provide guidance on how to enact additional or strengthen current policies in Kenya.

### **Nutrition Related Observation & Recommendations**

The Global Nutrition Report considers that Kenya is currently off course or has progressed minimally to meet certain 2019 targets including **low birthweight, adult obesity, adult diabetes, and anaemia in women of reproductive age**. Overall, high level conclusions point to several varied issues that contribute to the existing nutritional landscape, and further the potential investment in nutrition by the private sector. The observations herein provide insights from several perspectives with the aim of informing discussion on the appropriateness of the existing policies, in terms of coverage and effectiveness.

The following selected EBANI indicators were **not contributing** currently to the country's score and new policies could be implemented to expand the existing nutrition focused policy coverage:

- **Regulation on mycotoxins levels**

Global Good Practice: As no regional peer provides a good practice example, a general recommendation would be to adopt standards from international bodies such as International Organization for Standardization (ISO) and CODEX Alimentarius. However, in many low-income countries, the ability to write standards has gone far beyond the ability to implement them. Importantly, food safety standards should not be developed in isolation from other concerns such as food security. It may be prudent to develop local standards considering local context including aflatoxin levels, consumption patterns, occurrence in various foods and feeds and economic factor. *Source: International Livestock Research Institute*

- **Lower or no import duties on nutritious foods**

EBANI Good Practice: Tanzania's National Nutritional Strategy includes initiatives to create legislation, policies and standards to prevent unethical substitutes (ensuring adequate labelling and quality of products) to enable the tax-free import registration of nutrition commodities and fortified foods. This is supported further by the Food, Drugs and Cosmetics Act of 2003 that governs food importation, restricting food importation based on compliance and standards. *Source: Food, Drugs and Cosmetics Act of 2003 (Tanzania)*

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<sup>11</sup> Compiled using data from: UNICEF global databases Infant and Young Child Feeding, UNICEF/WHO/World Bank Group: Joint child malnutrition estimates, UNICEF/WHO Low birthweight estimates, NCD Risk Factor Collaboration, WHO Global Health Observatory

- **Regulation of marketing of junk food to children**

EBANI Good Practice: Tanzania's Food, Drugs and Cosmetics (Marketing of Foods and Designated Products for Infants and Young Children) 2013, establishes general broadcast and commercials restrictions and regulations within the context of food marketing for infants and children.

*Source: Food, Drugs and Cosmetics (Marketing of Foods and Designated Products for Infants and Young Children) 2013 (Tanzania)*

- **Taxes on Sugar-Sweetened Beverages (SSBs)**

EBANI Good Practice: Ethiopia's Sales Tax and Excise Taxes 2019 establishes a sales tax of 5% for food products with exceptions. As sugar is considered a luxury item, it has an excise tax of 33% (according to Reuters, this may be lowered to 20% following privatization of industry), and soft drinks have an excise tax of 30%. *Source: Sales Tax and Excise Taxes 2019 (Ethiopia)*

## **Business Landscape Overview & Recommendations**

The observations and recommendations herein focus on the support that private sector stakeholders have, within the existing policy framework, to invest and conduct business in nutritious food sectors. Whilst many of the indicators within EBANI focus on nutritious standards being in place, the identification of said standards will not be sufficient to overcome a variety of challenges inherent in the current landscape, and therefore promote the advancement of nutritious diets. As such, the observations herein provide insights from the Business Landscape perspectives with the aim of informing discussion on the appropriateness of the existing policies.

### **Private Sector Support**

Overall, Kenya showed a limited policy environment to promote, support and increase the access to finance for investment in nutrition and food sectors.

The following selected EBANI indicators were not contributing currently to the country's score and new policies could be implemented to support private sector investment:

- **Support to SMEs to comply with any food regulations**

Global Good Practice: The UK's Public Health Responsibility Deal was established to tap into the potential for businesses and other organisations to improve public health and tackle health inequalities through their influence over food, alcohol, physical activity and health in the workplace, with a key focus on nutrition. *Source: [www.informas.org](http://www.informas.org) and <https://www.gov.uk/government/news/public-health-responsibility-deal>*

## 6. APPENDIX: GOOD PRACTICE EXAMPLES

### INDICATOR 1 – Specified role for private sector in National Nutrition Plan (or equivalent if no NNP)

1 YES 0 NO

#### Explanation / Notes

Captures the existence of a specified role for the private sector in key national nutrition plans. Research examines documents that place a plan into effect, those that state national food-based dietary guidelines (intended to establish a basis for public food and nutrition, health and agricultural policies and nutrition education programmes to foster healthy eating habits and lifestyles (FAO)), and finally those that include specific support mechanisms within the policy(ies) for the promotion of horticulture.

#### Illustrative Good practice Examples

- **Norway** The Food, People and the Environment policy for 2019-2023 aims to increase food security through the development of sustainable food systems, including with involvement of the private sector. (Nutrition Connect)
- **European Union** The European Food and Nutrition Action Plan 2015-20 outlines clear strategic goals, guiding principles, objectives, priorities and tools (INFORMAS)
- **New Zealand** Comprehensive database of nutrient information for different foods, continued monitoring of school food environments nationwide (INFORMAS)
- **SA, Australia** Mechanisms to incorporate population health considerations into policy development processes across the South Australian government (INFORMAS)
- **UK** Launched an independent review commissioned by government to set out a vision and a plan for a better food system (National Food Strategy)
- **Brazil** The Food Acquisition Program has been encouraging the diversification of crop production as a means to address emerging issues associated with this modernization, such as environmental degradation and overnutrition (NOURISHING)
- **Micronesia** Community food projects are in place to promote the domestic cultivation of fruit and vegetables in place of imported food products (NOURISHING)

## INDICATOR 2 – National diet-related non-communicable disease (NCD) policy with a focus on nutrition that has a specified role for private sector

1 YES 0 NO

### Explanation / Notes

This indicator assesses whether or not there is a specified role for the private sector in combatting NCDs. The focus is on type two Diabetes and Overweight and obesity as key

### Illustrative Good practice Examples

- **USA** The National Institutes for Health (NIH) provides dedicated funding for research that evaluates new policies/programs expected to influence obesity related behaviours (M&E Focus: INFORMAS)
- **New Zealand** Approximately 11% of the Health Research Council's total budget of \$70M spent on population nutrition and/or prevention of obesity and NCDs (INFORMAS)
- **Australia** Previous National Partnership agreement on Preventive Health (now defunct) provided State and Territory level support for initiatives aimed at obesity and NCD prevention (INFORMAS)
- **Mexico** The National Strategy for Prevention and Control of Overweight, Obesity and Diabetes outlines quality seal and advertising standards for children under 12, placing explicit responsibility on private sector stakeholders (Pan American Health Organisation)

## INDICATOR 3 – Public food procurement policies (social protection, hospitals) go beyond staple foods

1 YES 0 NO

### Explanation / Notes

Captures the existence of specific guidelines for the procurement of food by public institutions under appropriate dietary guidelines. Furthermore, the indicator highlights the standard-setting and demand-generation benefits that can be achieved through the existence of improved procurement of food by public entities. Private sector investment into nutritious foods may be spurred by the anticipated demand from public sector entities.

### Illustrative Good practice Examples

- **New York City, USA** Mandatory nutritional standards for all food purchased/sold by city agencies (hospitals, prisons, aged care, health facilities) (INFORMAS)
- **Japan** Mandatory oversight and monitoring by dietitian/nutritionist (incl. menu development) for all government facilities providing >250 meals/day (INFORMAS)

## INDICATOR 4 – Mandatory food fortification policies for $\geq 1$ staple foods

1 YES 0 NONE

### Explanation / Notes

Highlights the current state of fortification obligations, on at least 1 staple food, given the effectiveness that fortified staples can have on the nutritional quality of a diet and consequently population health.

### Illustrative Good practice Examples

- **US** As of 2019, the only country in the world where over 75% of industrially milled rice is fortified (Food Fortification Initiative)
- **Mexico** 100% of industrially milled Maize is fortified (Food Fortification Initiative)
- **South Africa** over 75% of industrially milled wheat flour is fortified (Food Fortification Initiative)

## INDICATOR 5 – Reformulation policies to encourage reduction of salt or sugar in processed foods exist

1 YES 0 NONE

### Explanation / Notes

Focuses on policy-driven mechanisms to contain the prevalence of fat, salt and sugar in diets, in line with WHO recommendations. These policies influence businesses to reformulate existing products or to develop new food offerings that are healthier.

### Illustrative Good practice Examples

- **UK** Public Health England (PHE) published technical guidelines setting out the approaches the food industry can take to reduce the amount of sugar children consume through the everyday foods that contribute the most to intakes (Public Health England, 30 March 2017) A combination of awareness campaigns, agreed target settings, voluntary reformulation from industry and population monitoring of salt consumption have led to a 1.4g per day reduction in population salt intake between 2001 and 2011 (US National Library of Medicine National Institutes of Health)
- **US** Determination that there is no longer a consensus among qualified experts that partially hydrogenated oils (PHOs), which are the primary dietary source of industrially produced *trans* fatty acids (IP-TFA) are generally recognized as safe for any use in human food (U.S. Food and Drug Administration. Final determination regarding partially hydrogenated oils. Federal Register 2015)
- **Singapore** The Healthier Ingredient Development Scheme encourages manufacturers to innovate and develop a wider variety of healthier ingredients suited to local taste and to promote the uptake of healthier ingredients, focusing on oil and grain staples. Up to 80% of qualifying projects will be funded by the scheme, while the scheme participant co-pays the remaining 20% (NOURISHING)



## INDICATOR 6 – Reformulation policy on removal of trans fats in processed foods

1 YES 0 NONE

### Explanation / Notes

Focuses on the current control over the quantity of trans-fats in food products, particularly artificial variants (industrial trans fats or partially hydrogenated fats) known to be harmful to human health.

### Illustrative Good practice Examples

- **New York City, USA** Mayor (Michael Bloomberg) showed strong political leadership in introducing landmark food policies, including restrictions on trans-fat and portion size restrictions on sugary drinks (INFORMAS)
- **Thailand** The country became the first ASEAN nation to ban trans fats in 2019, receiving praise from the WHO (Food Navigator - Asia)

## INDICATOR 7 – Food Safety certificates required for sale of food – formal sector

1 YES 0 NONE

### Explanation / Notes

Critical to ensuring that the standards set by policies in other indicators are not only established, but also monitored over time, through the use and management of Food Safety Certificates, throughout the *formal sector*

### Illustrative Good practice Examples

- **Finland** Ranked 1<sup>st</sup> in Quality and Safety in the Global Food Security Index. Coordination between the Ministry of Agriculture and Forestry, which controls policy and the Finnish Food Safety Authority - EVIRA – which controls import regulations, is seen as key for the successful quality and safety outcomes (Ministry of Agriculture and Forestry, EVIRA)

## INDICATOR 8 – Food Safety certificates required for sale of food – informal sector

1 YES 0 NONE

### Explanation / Notes

Critical to ensuring that the standards set by policies in other indicators are not only established, but also monitored over time, through the use and management of Food Safety Certificates, throughout the *informal sector*

### Illustrative Good practice Examples

- **India** The Food Safety and Standards Authority of India (FSSAI) piloted the Clean Street Food Hub Initiative (CSFHI), seeking to promote food safety and hygiene at popular street food locations across India (GAIN)

## INDICATOR 9 – Policy on regulating mycotoxin levels

1 YES 0 NONE

### Explanation / Notes

Focuses on controlling the existing food producers and processors standards in ensuring that mycotoxins (toxic secondary metabolite produced by fungi) do not contaminate their products.

### Illustrative Good practice Examples

- **Worldwide** A general trend is to adopt standards from international bodies such as International Organization for Standardization (ISO) and CODEX Alimentarius. However, in many developing countries, the ability to write standards has gone far beyond the ability to implement them. Importantly, food safety standards should not be developed in isolation from other concerns such as food security. It may be prudent to develop local standards considering local context including aflatoxin levels, consumption patterns, occurrence in various foods and feeds and economic factors (International Livestock Research Institute)

## INDICATOR 10 – Regulations that all pre-packaged food products must list nutritional value of ingredients

1 YES 0 NONE

### Explanation / Notes

Captures the existence and extent of labelling standards, with a focus on listing nutritional values to validate the dietary guidelines included in the national nutrition strategy

### Illustrative Good practice Examples

- **South Korea:** All fast-food outlets required to display detailed nutrition information (incl. energy, total sugars, protein, saturated fat and sodium) on menus (INFORMAS)
- **U.S.** Food and Drug Administration mandated food package nutrition and fact panels ('Changes to the Nutrition Facts Label, 2016')
- **Chile** Front-of package (FoP) nutrition labels (Reyes, M., Garmendia, M.L., Olivares, S. et al. Development of the Chilean front-of-package food warning label. BMC Public Health 19, 906 (2019))

## INDICATOR 11 – BMS Code partially enshrined in law

1 PARTLY/FULLY 0 NO

### Explanation / Notes

An indicator specifying that the regulation of breast milk substitutes and follow-on milks is enshrined in law. This is important given the critical impact on nutrition that such products can have for breast-feeding age infants

### Illustrative Good practice Examples

- **Various** IBFAN – International Baby Food Action Network: Extensive reports on violation of the norms, across countries and practices (production and marketing) – Source of ‘bad’ practices. Currently, 72 countries have adapted most or all of the International BMS Code into law, making the identification of a good practice challenging

## INDICATOR 12 – School meals provision explicitly guided by food-based dietary guidelines

1 YES 0 NO

### Explanation / Notes

Captures the existence of specific guidelines for the procurement of food with enhanced nutritious value from school meals provided in country. It highlights the importance of school children as a target audience, since the long-term benefits and potential downfalls of a poor diet at school-age is likely to have a profound effect on future diets and nutrition outcomes.

### Illustrative Good practice Examples

- **UK** Mandatory nutritional standards for all food served in schools -restrictions on high fat/sugar/salt/processed foods (INFORMAS)
- **New Zealand** Comprehensive database of nutrient information for different foods, continued monitoring of school food environments nationwide (INFORMAS)
- **Brazil** Resolution No 38 (16 July 2009) promulgated by the Brazilian Ministry of Education sets food- and nutrition-based standards for the food available in the national school meal programme. It prohibits drinks of low nutritional value (eg soda), canned meats, confectionary, and processed food with a sodium and/or saturated fat content higher than a specified threshold (NOURISHING)

## INDICATOR 13 – Regulation of marketing of junk food to children

1 SOME 0 NONE

### Explanation / Notes

Covers a broad range of potential policies restricting marketing to children (up to age 18), with a focus on junk food and/or other unhealthy local foods

### Illustrative Good practice Examples

- **Quebec, Canada** Ban on all commercial advertising directed to children (under 13 years) through any medium (INFORMAS)
- **Spain** Legislation requires that kindergartens and schools are free from all advertising (INFORMAS)
- **Chile** in 2016, the Law of Food Labelling and Advertising banned the marketing of unhealthy foods to children, prohibiting their sale in and around schools, and stamping a large black 'stop' sign on the packaging of food with high levels of sugar, salt, fat or calories (World Economic Forum)

## INDICATOR 14 – Support to SMEs to comply with any food regulations

1 YES 0 NONE

### Explanation / Notes

Evaluates the existence of support mechanisms for private sector companies (SME focus, given their greater need for support versus larger players) to address and comply with all marketing and/or labelling standards. Furthermore, any ties to strengthening the support for private sector – education partnerships (that address nutrition in school feeding), can also be highlighted here

### Illustrative Good practice Examples

- **UK** *Strategies for Encouraging Healthier 'Out of Home' Food Provision*, a toolkit for local councils working with small food businesses (Public Health England)

## INDICATOR 15 – Dedicated Access to Finance for SMEs

1 ≥ 50 0 < 50

### Explanation / Notes

A macro indicator that addresses one of the primary risks for private sector players – access to finance. This indicator is particularly important for unlocking private sector investment as without access to finance many projects that may otherwise be feasible would not be initiated or scaled. The indicator uses the World Bank’s Easy of Doing Business Index, specifically the ‘Getting Credit’ score

### Illustrative Good practice Examples

- **Azerbaijan** Ranked 1 in the 2020 Doing Business ‘Getting Credit’ category (World Bank)
- **Singapore** Government partnership (‘Healthier Hawker’ program) with selected food vendors to improve healthiness of take-away food (Health HUB)

## INDICATOR 16 – Policies to support women in food businesses

1 YES 0 NONE

### Explanation / Notes

This indicator is focused on assessing the support mechanisms in place for business run by women. Whilst such initiatives can overlap in their effectiveness with other socio-economic and business environment policies, in recent years such policies have emerged as stand-alone endeavours that can provide substantial support and/or technical assistance that would encourage investment in food sectors

### Illustrative Good practice Examples

- **India** The Trade-Related Entrepreneurship Assistance and Development (TREAD) Scheme for Women is a subsidy in India provided by the Ministry of Micro, Small & Medium Enterprises. The government provides a subsidy of up to 30% of the total project cost as appraised by lending institutions which would finance the remaining 70% as loan Assistance to applicant women (IFC)

## INDICATOR 17 – Enabling climate for agricultural businesses

1 ≥ 50 0 < 50

### Explanation / Notes

This indicator assesses each country's landscape and support structure for the advancement of agricultural production. EBANI score is attributed to meeting a threshold of 50 on the index

### Illustrative Good practice Examples

- **France** Ranked 1 in the Enabling business of agriculture index (World Bank)

## INDICATOR 18 – Subsidies / lower or no taxes on production / sale of nutritious foods

1 SOME 0 NONE

### Explanation / Notes

Highlights existing financial or fiscal support programs for consumers/producers/processors of nutritious foods in country. Such subsidies may be justified on various public goods grounds. They may also catalyse private investment into nutritious foods.

### Illustrative Good practice Examples

- **US** Subsidies for fruits and vegetables in national food assistance programmes, USDA Healthy Incentives Pilot, 2016 (Supplemental Nutrition Assistance Program)

## INDICATOR 19 – Taxes on Sugar-Sweetened Beverages (SSBs)

1 SOME 0 NONE

### Explanation / Notes

Focus includes policies that provide fiscal disincentives for producers that are providing products detrimental to nutrition owing to the addition of sugars in beverages

### Illustrative Good practice Examples

- **New York City, USA** Mayor (Michael Bloomberg) showed strong political leadership in introducing landmark food policies, including restrictions on trans-fat and portion size restrictions on sugary-drinks (INFORMAS)
- **Mexico** an eight percent tax on high-calorie foods in an effort to deal with increasing rates of obesity and diabetes. According to the law, nonessential foods include chips, salty snacks, and frozen desserts. The government also implemented a 10 percent tax on sugar-sweetened drinks (National Institute of Public Health of Mexico)



## INDICATOR 20 – Lower or no import duties on nutritious foods

1 SOME 0 NONE

### Explanation / Notes

Aims to highlight existence of fiscal benefits for producers or retailers of nutritious food due to the benefit to the population. These benefits may include imported goods, despite the increased competition it may pose to local producers

### Illustrative Good practice Examples

- **EU – SADC** Agreement struck between the two trading blocks that's sees a lift of duties on good imported/exported between the member countries: 'countries that are part of the Southern African Customs Union (Botswana, Lesotho, Namibia, South Africa and Eswatini) remove customs duties on around 86% of imports from the EU. Mozambique removes customs duties on 74% of imports from the EU'. This includes a number of nutritious products, though is not anchored on any specific product (European Commission)

## INDICATOR 21 – Zoning or planning laws regulating location of fast-food outlets

1 YES 0 NONE

### Explanation / Notes

Captures zoning related policies specifying areas where non-healthy food can be sold. Examples can include urban zoning to establish minimum distance for certain junk food retail outlets to schools and/or hospitals

### Illustrative Good practice Examples

- **South Korea** 'Green Food Zones' around schools (200 metre radius) in which sales of 'unhealthy' foods are prohibited (INFORMAS)
- **USA** Provision of grants for states to provide financial/other types of assistance to attract healthier retail outlets to underserved areas

## INDICATOR 22 – Policies to reduce food loss

1 YES 0 NONE

### Explanation / Notes

Captures any existing policies that aim to reduce food loss in the country's supply chain. These policies improved affordability and availability of nutritious foods.

### Illustrative Good practice Examples

- **India** Development of Agri-Logistics Hub in Various Regions of Karnataka, following the concept of Agri-Logistics cum Terminal Market Centre, a strategically located multi-modal logistics platform, allowing efficient hinterland operations by incorporating truck-stop facilities, container cranes and gantries, terminal stacking, and other value-added services. It enables supply chain/ logistics to function much efficiently by removing the cargo bottlenecks in the transit related activities, and reduces overall food loss

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