



# Conservative rhetoric against the regulation of the food environment in schools: the discussion of Bill n 4.198/2021 in the Legislative Assembly of Rio de Janeiro

Retóricas conservadoras contrárias à regulação do ambiente alimentar escolar: a discussão do Projeto de Lei n 4.198/2021 na Assembleia Legislativa do Rio de Janeiro


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## Abstract

Considering the scientific evidence regarding the harmful effects on health from consuming ultra-processed foods, the regulation on food environments has been prioritized as a way of promoting adequate and healthy eating. In this context, Bill 4198/2021 was proposed in the Legislative assembly of Rio de Janeiro, to ban the sale of ultra-processed foods in the schools in the state. In the second voting session of the proposition conservative rhetoric was widely used by the opposing congressmen. In this essay, these positions were classified, finding common points between them, considering the analysis of the legislative process. In making this categorization, it was possible to identify three argumentative bases that were explored: the defense of freedom of trade; the right to a “family autonomy,” the primacy of the family in children’s education; and individual responsibility for obesity. These rhetorics have been analyzed together with their counterpoint, in the conclusions of the specialized literature. Beyond the plurality of ideas in the legislative debate, it was possible to identify how the discussion of Bill 4198/21 was permeated by the reproduction of disinformation and violence. In this way, the scrutiny of the conservative rhetoric used and the understanding of the context of this discussion are contributions proposed here to consolidate the repertoire of defense of the health of children and adolescents.

**Keywords:** Food environments; Ultra-processed foods; Adequate and healthy nutrition; Conservative rhetoric; Conservatism.

## Resumo

Diante das evidências científicas acerca dos malefícios à saúde do consumo de alimentos ultraprocessados, a regulação dos ambientes alimentares vem sendo priorizada como forma de promover uma alimentação adequada e saudável. Nesse contexto, foi proposto o Projeto de Lei 4198/2021 na Assembleia Legislativa do Rio de Janeiro, para proibir o comércio de ultraprocessados nas escolas do estado. Na segunda sessão em plenário da proposição, houve ampla utilização de retóricas conservadoras pelos deputados contrários. Neste presente ensaio foram classificados esses posicionamentos, encontrando-se pontos comuns entre eles, à luz da análise da tramitação legislativa. Ao realizar essa categorização, foi possível identificar três bases argumentativas exploradas: a defesa da liberdade de comércio; o direito à “pátria família”, de primazia da família na educação infantojuvenil; e a responsabilização individual da obesidade. Tais retóricas foram analisadas em conjunto com suas contraposições, presentes nas conclusões da literatura especializada. Para além da pluralidade de ideias do debate legislativo, foi possível identificar como a discussão do PL 4198/21 foi permeada pela reprodução de desinformação e violência. Desse modo, o escrutínio das retóricas conservadoras utilizadas e a compreensão do contexto dessa discussão são contribuições aqui propostas para a consolidação do repertório de defesa da saúde de crianças e adolescentes.

Palavras-chave: Ambientes Alimentares; Alimentos Ultraprocessados; Alimentação Adequada e Saudável; Retóricas Conservadoras; Conservadorismo.

## Introduction

On May 10, 2022, Bill of Law (BL) No. 4.198/2021 was discussed in the Legislative Assembly of Rio de Janeiro (ALERJ - *Assembleia Legislativa do Rio de Janeiro*). The initiative provides for the regulation of school meals in the state and was up for a second vote, with approval among state deputies in the first round. The debate was heated at the forum, generating a commotion that made evident the lack of scientific knowledge on the subject, as well as the use of conservative rhetoric in opposition to policies guaranteeing healthy eating environments for children and adolescents.

The bill prohibits the “use and sale of ultra-processed foods in canteens and other places where products and food are sold in public and private schools in the state of Rio de Janeiro” (art. 1, of BL No. 4.198/2021, free translation). It therefore restricts the sale of products considered harmful to health in schools, which generated a reaction from parliamentarians in favor of commercial and consumer freedom.

Regarding legislation aimed at children and adolescents, the primacy of adequate food and nutrition at the beginning of life is biologically associated with the special protection of these people. This is because after World War II there was a global development on the subject, with the creation of the International Convention on the Rights of the Child in 1959, from which international law began to understand children and adolescents as subjects of law (Brasil, 2020).

Article 227 of the 1988 Federal Constitution guarantees full protection for children, determining the duty of the family, society, and the State to take care of these vulnerable people in order to fulfill the rights established by law. The law also governs the principle of the “best interests of the minor,” according to which the entire Statute of the Child and Adolescent (ECA - *Estatuto da Criança e do Adolescente*) must be interpreted to protect the incapable, preserving their progressive autonomy and guaranteeing their healthy development (Brasil, 2020, p. 43).

Thus, if there is scientific evidence already incorporated into national legislation on the negative impacts of consuming ultra-processed foods

on the health of children and adolescents, it is the duty of the state and society to enforce the right to health and guarantee the appropriate regulations. As the school environment is recognized as a strategic setting for the promotion of adequate and healthy food, Bill 4198/2021 is a powerful normative instrument for public advocacy in the face of growing obesity and chronic diseases.

It should be noted that the discussion took place in the context of several initiatives being processed with a view to limiting access to ultra-processed foods for children and adolescents, both in the ALERJ and in other houses of parliament in the state. After all, with the publication of the Dietary Guidelines for the Brazilian Population (Brasil, 2014)—which shed light on the negative impacts of food processing on human health—professionals and activists are on a long journey to protect the health of children and adolescents by regulating the supply of these harmful foods. The reaction to the bill is therefore part of a confrontation with the ongoing regulatory advance, and represents the development of arguments opposing measures to promote food and nutritional security.

In order to build this analysis, a study was carried out on the speeches made during said session. By observing and categorizing the positions presented, together with the observation of the legislative process, we can see a movement in the literature dedicated to analyzing debates on food regulation being discussed in the legislature (Vogeler et al., 2021; Leite, 2013; Triche; Grisa, 2015). Scrutinizing the rhetoric of parliamentarians in plenary is about looking at the State and its representatives, whose positions can become rules with the power to subject citizens (Bourdieu, 2014). This means that, although all discourse generates effects, legislative debate has a character of institutional power that makes such positions even more relevant and potentially normative. In addition, parliamentarians are subject to public faith, according to which the veracity and legality of the allegations made are presumed. In this way, understanding the arguments used is fundamental to making a counterpoint that consolidates health-promoting policies aimed at children and young people, and this is the aim of this text.

## Bill No. 4.198/2021

The main objective of Bill 4.198/2021 is to ban the sale and use of ultra-processed products in school canteens in Rio de Janeiro. The proposal uses the definition of ultra-processed foods from the Dietary Guidelines for the Brazilian Population (Brasil, 2014) and lists which products would be restricted. It also refers to valuing local food culture and environmentally sustainable production practices, prioritizing the supply of seasonal species and local or regional production (preferably from organic and agro-ecological production). It also limits the industry's activities in schools, prohibiting advertising, sponsorship or promotion by sectors that sell ultra-processed foods.

Ultra-processed products are industrial formulations of substances extracted or derived from food, with little or no whole food in their composition, and in which flavorings, colorings, emulsifiers, and other chemicals are typically added to modify their sensory attributes. The ingredients and procedures used aim to create low-cost, hyper-palatable, and convenient products (Brasil, 2014; MONTEIRO et al., 2019). This name comes from the NOVA classification, created in 2009 by Brazilian scientists, which divides foods into four groups according to the degree of processing they undergo: fresh or minimally processed foods; culinary ingredients; processed foods; and ultra-processed foods. Since then, the classification has been refined and is now widely accepted in the global scientific community, having been endorsed by various national and international organizations and institutions (NUPENS-USP, 2020).

A vast body of scientific research has shown that ultra-processed foods together have: higher energy density; more free sugar and unhealthy fats; and less fiber, protein, and micronutrients than non-ultra-processed foods, and that their acquisition or consumption is systematically associated with a deterioration in the nutritional quality of the diet (Marron-Ponce et al., 2019; Louzada et al., 2018). Dietary patterns based on ultra-processed foods are significantly associated with negative health outcomes such as obesity, type 2 diabetes, hypertension and other cardiovascular diseases,

bone growth, cancers in general, asthma in children, kidney dysfunction and premature deaths (Neri et al., 2022).

However, it should be noted that consumption of these foods has grown exponentially around the world, creating an extremely worrying scenario. In Brazil, surveys of food purchases for household consumption, carried out in metropolitan areas between 1987-1988 and 2008-2009 (Martins et al., 2013), and in the country as a whole between 2002-2003 and 2017-2018 (IBGE, 2020), show an increase in the participation of these products and a concomitant reduction in fresh or minimally processed foods in the diet of Brazilians. In addition, global sales of these items increased by 43.7% between 2000 and 2013, and in the same period, there was a 30.6% increase in per capita retail sales in Brazil (PAHO, 2018).

In this context, it is notable that healthy eating is not merely a matter of individual choice, since the availability of food and establishments in the spaces in which people find themselves directly influences their choices (Turner et al, 2018). Thus, being in an environment in which ultra-processed foods predominate is an important factor in the consumption of such foods, which makes environmental interventions and public policies immensely promising strategies for improving the health of the entire population (Pineda et al, 2023).

### **The processing of Bill 4198/2021**

In the state of Rio de Janeiro, there is Law No. 4.508/2005, which prohibits the sale and distribution of foods that contribute to childhood obesity in school canteens. Despite the importance of this rule, its wording is outdated, as since its publication much progress has been made in the debate on food processing. As a result, Bill 4.198/2021 has been hindered in its progress because it deals with the same subject as the current law. To try to save the proposal, the Constitution and Justice Committee issued an opinion transforming Bill No. 4.198/2021 into a bill to amend Law No. 4.508/2005.

It went to the plenary for the first vote and received 39 amendments, returning to the committees of the Legislative Assembly. Most of them were tabled by deputies who defend the primacy of free trade and

consumption, and aimed to reduce the scope of the bill by deleting important articles or completely altering its content. The opinion of the Constitution, Justice, and Citizenship Committee (CCJ - *Comissão de Constituição e Justiça*) on the amendments was to reject most of them and merge the original text of Bill 4.198/2021 with the text of Law 4.805/2005, transforming it into Bill 4198A/2021.

Notably, alongside the discussion in the Legislative Assembly, the City Council of Rio de Janeiro was also debating an initiative aimed at regulating school meals by restricting ultra-processed foods, Bill No. 1.662/2019. This municipal proposal was explicitly interfered with by the industry, which sent a document signed by the Brazilian Food Industry Association (ABIA) and six other organizations. Its content is about relativizing the classification of food processing, whose formulation is consolidated in the field of nutrition and health, as well as to oppose regulating access to this type of product in the school environment.

Many of the arguments developed in the aforementioned industry document were identified in the speeches made by the deputies during the discussion of Bill 4198/2024, making it clear that the influence of commercial representatives, focused on the profits of certain private agents, is one of the points of tension in the legislative advance around the promotion of adequate and healthy food. In Brazil, the food industry uses various strategies to seize this agenda in the public debate.

### **Rhetoric used in the second discussion of Bill 4.198/2021**

In the discussion of Bill No. 4.198A/2021, which took place during the session on May 10, 2022, it was possible to note the prevalence of specific positions against the initiative: (1) the defense of “freedom,” as opposed to state interference in the lives of the population; (2) the right to the “family homeland,” affirming the power of the family over the upbringing of children over the power of the state; (3) and the reinforcement of stigma, treating obesity as a matter of individual behavior and morality. At the same time, the debate was permeated by elements of ignorance of the subject.

As for the construction of the arguments opposing the bill, it is important to note how the deputies operate within a logic of reproducing conservative rhetoric. This is understood as the defense of worldviews that oppose change, since society already functions in a certain way and is supposed to remain that way. As analyzed by Hirschman (1992), conservative positions develop in opposition to progressivism in social action, claiming through their rhetoric that change is not reliable or valid. The author concludes that this stance opposes social advances, seeing them as a perversity of ways of life, futility on certain agendas or a threat to established situations. It is, therefore, a reaction to transformations, and conservative rhetoric is viewed analytically through its relational aspect. In the debate in question, parliamentarians often claimed that in the past there were no restrictions on ultra-processed foods and that there was no point in focusing on the issue—even when presented with scientific arguments regarding their risks.

### The “freedom” argument

Free enterprise, through freedom of trade, as opposed to state interference in people’s daily lives, was one of the arguments most used by the parliamentarians against Bill 4.198A/2021. This is the case with deputy Alexandre Freitas’ statement that “We need to stop thinking that the state has an essential role in people’s lives. The state hinders more than it helps”<sup>1</sup>. The same parliamentarian intervened again in the debate, deepening the view presented:

*Now, there’s no point in restricting legal products in schools. It’s absurd. It’s amazing that in the 21st century we’re discussing this kind of agenda, with the state wanting to interfere in free enterprise, in people’s self-determination and even in what they want to eat.* (Freitas, speech on May 10, 2022, at ALERJ)

Congressman Rodrigo Amorim had a similar position: “What this group—I repeat—insists on doing is whenever they see a loophole, an opportunity to make the state more of a pachyderm, to make the state interfere even more in people’s lives, they come and make an easy and cheap speech”<sup>1</sup>.

Similarly, together with the issue of parental freedom in raising their children, deputy Fillipe Poubel argued:

*The State can’t intervene in my son’s upbringing; it’s my money and I give it to my son to consume what he wants. It’s my money. The deputy is here even mocking my speech and she’s holding candy. And you’re preaching that children shouldn’t eat candy. That’s hypocrisy, that’s what I’m saying.* (Poubel, speech on May 10, 2022, at ALERJ)

With regard to the freedom argument, it is important to highlight the consolidation of a consensus in jurisprudence and legal doctrine that any infra-constitutional restriction on fundamental rights must pass the proportionality test, since constitutional guarantees can come into conflict and no right is absolute (Silva, 2012). This means that when two provisions clash—as in the case of the clash between individual and commercial freedom and the right to health and food—the adequacy of the restrictive measure adopted, its necessity and the balancing of the rights involved will be analyzed, which implies a comparative examination of the degrees of restriction and realization of these rights.

To this end, proportionality is divided into three phases: adequacy, necessity, and proportionality in the strict sense. A legal restriction is valid if it is adequate to promote the objectives pursued by the rule; it is necessary if the achievement of the objective cannot be promoted, with the same efficiency, through another act; and it is proportional, in the strict sense, if the degree of realization of the right to be promoted justifies the restriction on the right affected (Silva, 2012).

<sup>1</sup> The quotes from the federal deputies refer to the session of May 10, 2022, and were taken from the Legislative Assembly of Rio de Janeiro (ALERJ) website. Available from: [alerj1n1.alerj.rj.gov.br/taqalerj.nsf/66fcoa5f95422do783257fee005df964?OpenForm&ParentUNID=6BC3FF3ED4808CD70325883E004274B3](http://alerj1n1.alerj.rj.gov.br/taqalerj.nsf/66fcoa5f95422do783257fee005df964?OpenForm&ParentUNID=6BC3FF3ED4808CD70325883E004274B3). Access on: Jul. 3, 2023.

Regarding limitations on constitutional rights as a way of guaranteeing rights that are considered proportionally more relevant, there are many cases in the national reality. Some examples of more extreme restrictions would be: death penalty in cases of war, which opposes the fundamental right to life; any prison sentence, which eliminates the convict's freedom to come and go; or even the expropriation of a property in the cases provided for by law, which eliminates the right to property. In all these cases, the restriction of an individual right is justified by the application of the rule of proportionality, since this is associated with the idea that the level of protection of a right is not defined in the abstract and in an absolute way, but in a relative way to the specific case (Silva, 2012).

In view of this, we are left to reflect that the right to life, health, and food, all of which are fundamental, as well as the protection of children's rights as an absolute priority, protect more constitutional guarantees than the unrestricted freedom to trade in school spaces, making it urgent to update regulations in order to promote the health of children, adolescents and the population as a whole.

### **The "family autonomy" argument**

In addition to the argument on freedom of trade and to consume, the parliamentarians also addressed the parents' right to determine their children's upbringing. In the discussion, state deputy Rodrigo Amorim framed it as the right to the "family autonomy": "Now, Mr. President, it is the parents' right to define what their children will eat, what they will feed on, where they will go to school, what religion they will believe in. It's part of the family influence and the family autonomy, the right to regulate, to direct their children's lives" (Amorim, 10/5/2022<sup>1</sup>).

The same parliamentarian also said, at another point in the discussion, that "They're worried about interfering in private property, in parents' rights over their children"<sup>1</sup>. Although Rodrigo Amorim's speech was more emphatic in its demand for the right to parental power, other parliamentarians expressed the same view that the state could not intervene in the upbringing of children, which was

supposedly the responsibility of the child's parents. This is the case of deputy Alexandre Freitas: "It's up to parents to educate their children. My daughter, for example, doesn't eat sugar. But I will never advocate not selling sweets in schools. That was an education I wanted to give. It's each individual's responsibility" (Freitas, 10/5/2022).<sup>1</sup>

Silva (2012) states that paternalism is a recurring argument used in issues of commercial restriction aimed at children and adolescents, with the idea that "it is the job of a child's mother and father to educate them and control what they consume or how they eat" (Silva, 2012, p. 3). This justification is based on the idea of family autonomy as opposed to state paternalism. However, the education of children and adolescents is also provided for as an attribution of the State, in articles 205 and 208 of the Constitution.

This is compounded by the fact that families have no control over children during the school day, because it is precisely at this time that they are outside parents' control. In this way, the education network, which does not have the attention of those responsible for controlling children's consumption, further reinforces the need for regulations that guarantee the right to adequate and healthy food. Silva (2012, p. 10) also draws attention to the fact that, with the inclusion of women in the labor market in recent decades, children increasingly spend hours outside the family's control. While in 1976, 29% of women were working or looking for work, in 2010 this figure jumped to 46.2% (Quirino, 2012) and in 2019 it was 54.5%. Women are increasingly working double shifts, the overload of which can be associated with the search for ready-to-eat food, and this type of behavior is one of the dimensions of the food environment and convenience (Turner et al, 2018). Faced with this situation, the need to reinforce public care for the diet of children and adolescents becomes even more pressing, as the idea that families control what happens in their children's lives is not true.

Still on the subject of the "family autonomy," it is important to note that Article 1.634 of the Civil Code states that it is the parents' responsibility to manage their children's upbringing. However, this provision aims to protect children and adolescents, following the principles of integral protection and the best interests of minors. Thus, the opinion issued

by the National Consumer Secretariat (SENACON) states that family power is provided for in our legal system in the sense of what is best for society as a whole, but especially as a guarantor of rights for the developing individual (Brasil, 2020). And despite the fact that education is an integral part of family power, this does not contradict the provision that the child and adolescent education is the duty of the state, according to article 205 of the Federal Constitution: “education being the duty of the state and the family, promoted and encouraged with the collaboration of society” (Brasil, 2020, p. 167, free translation).

Still on the subject of the public duty to educate children and adolescents, the *Código de Defesa do Consumidor* (Consumer Protection Code) guarantees consumers the basic right to consumer education, including formal education (Brasil, 2020, p. 170). Thus, in addition to directly protecting health in schools, the regulation of these environments also has an educational nature by teaching about the harms of ultra-processed foods.

The “exercise of family power” (Session II of the Civil Code, Law No. 10.406/2002, free translation) is not, after all, a blank check for the upbringing of children, but rather an obligation on parents to provide these individuals with a guarantee of their rights. It is in domestic environments that, unfortunately, many arbitrary acts are committed against children and adolescents, and the entire legal system is designed to protect them. As the SENACON opinion states, the “State determines rules in relation to the exercise of family power precisely to guarantee children the full exercise of the fundamental rights to life, health, freedom and many others listed in the Constitution” (Brasil, 2020, p. 164, free translation).

### **The “individual problem” argument and the reinforcement of stigma**

The discussion on the regulation of school meals was interspersed with disqualifying arguments based on a normative idea of the body and laden with moralism about obesity. This is the case with the statement made by Rodrigo Amorim:

*Now, those who are so worried about obesity at the moment, there’s a councilor from their party, in Niterói, who is a real freak of nature, who is a Beelzebub—in fact, he’s a Boizebu [Oxebub], because with that little body he’s not a Beelzebub, that little body is the body of an ox—who has created a word. He’s now said he’s going to run for deputava. In other words, he’s destroying our language and politics. They don’t care if they have a councilor who dresses up as Minnie at Carnival, who looks like a human pig because he’s so obese. (Amorim, speech on May 10, 2022, at ALERJ)*

For his part, deputy Alexandre Freitas said: “Just as there are deputies who prefer to be obese or not, either because of a health condition, because they don’t seek treatment, or because they don’t seek physical activity, that’s each individual’s problem. I don’t care” (Freitas, speech on May 10, 2022, at ALERJ).

Although parliamentarians claim that the issue of obesity is an individual problem, research on the subject goes in the opposite direction, demonstrating the strong social burden of the problem. In the meantime, specialized literature defines the “food environment” as the set of physical aspects through which the availability, quality, and promotion of food is established: through the economic sphere, involving access costs; through the political sphere, through public policies that promote access; and through the sociocultural sphere, defining standards, customs, and behaviors that influence consumption patterns. These food environments are the spaces and conditions in which people live, study, work, and move around, and which provide opportunities and conditions for access to food (Kumanyika, 2013).

The World Health Organization (WHO) and the Pan American Health Organization (PAHO) recommend that governments take responsibility for developing equitable, safe, healthy, and sustainable food environments as a means of preventing obesity and chronic non-communicable diseases. The international understanding is based on the conclusions about the influence of these environments on the increase in obesity and how the promotion of public policies are the best strategies to deal with the problem (Swinburn, 2019).

However, contrary to scientific recommendations on the subject, when debating legislation with this focus, parliamentarians refused state intervention in the diet of children and adolescents and blamed people with obesity, as if this condition were the result of a degraded morality. This is an explicitly stigmatizing view of the social problem of “excess” weight and its consequences, removing the context and conditions of individuals and public responsibility for promoting adequate and healthy nutrition.

Regarding stigma, Goffman (1988) states that it originated in Ancient Greece, as bodily signs to show a depreciated moral status of those who had them. These signs were made by cutting or burning the body to represent that the person was enslaved, a criminal or a traitor, someone to be avoided. Thus, in all examples of stigma (including the origin of the term) “the same sociological characteristics are found: an individual who could have been easily received in everyday social relations has a trait that can impose itself on attention and alienate those they meet, destroying the possibility of attention to other attributes of theirs” (Goffman, 1988, p. 14, free translation).

In this sense, the stigma of obesity portrays a social construction that devalues and attributes pejorative values (stereotypes) to people with fat bodies, generating processes of marginalization. Stigmatization related to body weight is rooted in a set of ideas that see obesity as a reflection of the individual’s moral qualities, based on the scientifically refuted assumption that body weight is the result of a lack of discipline and responsibility (Rubino et al., 2020).

Experiencing weight stigma increases the likelihood of developing unhealthy eating behaviors, such as binge eating and engaging in unhealthy body weight control mechanisms, as well as lower levels of physical activity (Roberts; Polfuss, 2022). In addition, stigmatization has been documented as a significant risk factor for depression and low self-esteem, constituting a reason why people claim to avoid seeking health services, as they often experience situations of embarrassment and violence and do not receive adequate health care (Alberga et al., 2019). Thus, individual accountability and discrimination based on this idea do not contribute to solving the issue and even have the potential to aggravate it.

We can see, therefore, how the pronouncements in the discussion of Bill No. 4.198A/2021 go against the grain of scientific findings on treating obesity as a public health issue. Holding individuals responsible for this condition and discriminating against them are ways of reproducing violence and aggravating their health condition.

## Lack of knowledge on the subject and private experience as a parameter

The discussion also included the demonstration of various points of scientific ignorance on the subject of proper and healthy eating, together with the generalization of individual experiences. Here are some excerpts in which this type of lack of information was demonstrated:

*And now I see a Member of Parliament wanting to tell a story about how he’s concerned about children’s health. He doesn’t even know what an ultra-processed product is. He doesn’t even know what belongs in that category.* (Alexandre Freitas, speech on May 10, 2022, at ALERJ)

*Deputy Rodrigo Amorim, thank you for the input, I’d like to quickly get into the subject of childhood obesity, it’s a serious, important issue, I even have an opposing position, I think we have to debate, yes, this issue of food in schools. I had obesity, it’s an incurable disease, so I can say that I still have this disease that started in my childhood.* (Deputy Alexandre Knoploch, speech on May 10, 2022, at ALERJ)

*They don’t even bother to read the bill, because when they talk about ultra-processed foods, they prevent, for example, milk from being given to children, milk is an ultra-processed food; they prevent yogurt from being given to children, yogurt is an ultra-processed food.* (Rodrigo Amorim, speech on May 10, 2022, at ALERJ)

Regarding the parliamentarians’ arguments, Silva (2012, p. 8) highlights the frequent impossibility of generalizing individual experiences, since what does not affect one person can affect others, especially when it comes to food, whose social and economic conditions are central. As a reminder of the



changes in recent decades, it has been shown that, between 1990 and 2019, malnutrition became one of the main risk factors for the development of diseases in the population (Murray, 2020). In Brazil, it is estimated that almost 30% of the increase in obesity from 2002 to 2009 was due to the consumption of these foods (Louzada et al, 2022).

The picture is even more complex when it comes to children and adolescents, who spend at least a third of the day in the school environment for around 200 days a year. In general, students consume one to two meals during school hours, which corresponds to 30% to 50% of their daily intake. In other words, the quality of the food available in these spaces can have a significant influence on children's health (Stallings et al, 2007). As mentioned above, the entry of women into the labor market, coupled with the lack of a more equal division of household chores between the sexes, has transformed family relationships and child rearing. These changes imply less control over the daily lives of children and adolescents, and reinforce the need to regulate school meals in order to guarantee their right to health and food, as provided for in the Federal Constitution in articles 6, 196 and 227, and in the Statute of the Child and Adolescent in article 4.

In addition to these basic rules, it is also worth mentioning the Organic Law on Food and Nutritional Security, which prescribes that "food and nutritional security consists of the realization of the right to regular and permanent access to quality food in sufficient quantity [...]" (Article 3 of Law No. 11.346/2006, free translation).

The statements that show that legislators are unaware of the issue reinforce the need for information and awareness campaigns. However, it is important to point out that ignorance about certain issues can be the result not only of a lack of access to data, but also of the adoption of conservative positions, in the sense of what Hirschman (1992) classifies as resistance to changes in the social environment and attachment to tradition. It should also be noted that the discussion in the Legislative Assembly in 2022 took place in the context of the coronavirus pandemic, in which scientific denialism was a marker of the position of conservative representatives across the country (Silva, 2021).

## Final Remarks

The regulation of school meals is an urgent agenda in Brazilian public policy, in order to guarantee the fundamental rights of children and adolescents. After all, access to adequate and healthy food is a right for the entire population, especially children and adolescents, as provided for in the Federal Constitution, the Statute of the Child and Adolescent and the Organic Law on Food and Nutritional Security. Promoting these guarantees is directly linked to restricting ultra-processed foods and encouraging the consumption of fresh and minimally processed foods. However, despite the pressing need for rules and measures to guarantee the promotion of health and nutrition, there is enormous resistance to this regulation.

The legislative debate on the second discussion of Bill 4.198/2021 is an emblematic case of the barrier created by some state agents to updating the legal system to protect the education network. In the session in which the initiative went to plenary, several parliamentarians spoke out against restricting ultra-processed foods in the school environment. The arguments were based on conservative rhetoric and also reflected a profound lack of knowledge about food and nutrition.

At the time, the argument of individual freedom and free enterprise was put forward as insurmountable pillars, which would support the impossibility of regulating the supply of food in schools. However, as discussed in this text, no right is absolute, because once there is an incompatibility between different constitutional provisions, it is necessary to assess the proportionality of the protected rights in order to preserve the guarantees of the national order as much as possible, with food, health and the protection of children and adolescents being pillars of the construction of Brazilian public policies. Another rhetoric used was that of the "family autonomy," according to which it would be up to parents to control the upbringing of their children, without the possibility of state interference. However, as we have seen, national legislation determines that early childhood education and other rights of this public are also the responsibility of the public authorities, and the

primacy of the legal system is to guarantee the rights of these developing subjects. And the argument of individual responsibility, used by parliamentarians in conjunction with the reinforcement of stigmas, is an idea that does not correspond to reality, since the food environments in which people are inserted are an extremely relevant factor for what they will consume, and stigmatization is an aggravating factor for population health.

Lack of knowledge about the harms of consuming ultra-processed foods turned out to be a predominant theme in the legislative debate. This reinforces the need for information and awareness campaigns. However, scientific denialism is also part of the consolidation of a conservative camp in the country, which has been exacerbated during the COVID-19 pandemic (Silva, 2021). Therefore, in addition to the necessary role of scientific dissemination in order to advance fundamental agendas, it is important to understand how clinging to traditions and refusing to face evidence that changes ways of life is also part of the political position of public representatives.

Finally, the context in which PL 4.198/2021 was discussed is a central element in the analysis of the positions presented. After all, at the same time as the initiative was being discussed in ALERJ, a similar proposal, PL1662/2019, was being processed in the city council of the state capital, as well as PL 95/2022 in the neighboring municipality of Niterói. This possibility of legislative progress in different local Houses of Parliament may have exacerbated the opposing positions. Furthermore, in the case of the city of Rio de Janeiro, the interference of the food industry to avoid the respective regulations was explicit. Thus, it is important to note how the discussion analyzed took place in a context of attempts to adapt regulations to the findings of the scientific community at various levels, giving rise to different reactions from sectors that felt threatened by such changes.

Although health is a constitutional right, there are still several barriers to its promotion. One of the obstacles is the commercial interests of the food industry. Another is the lack of scientific information to support parliamentarians and government officials. However, despite the confrontation of arguments constituting the plurality of ideas that coexist in contemporary times,

the statements presented during the discussion of Bill 4.198/2021 go beyond disagreements, becoming a reproduction of violence and misinformation. In this way, understanding the conservative rhetoric used by those who oppose the development of public policies to promote adequate and healthy food is fundamental to making progress on the necessary adjustments to current legislation aimed at promoting constitutional guarantees and the protection of children and adolescents.

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### Authors' Contribution

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