

# The policies of food and fat



## A comparative perspective on obesity and public policy

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## **About this volume**

This book collects the research papers that were written in the context of the 300-level course Public policy analysis which was taught in the spring semester of 2008. Reproduction and distribution of this material is allowed provided the source is acknowledged in the following way.

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# Introduction: the policies of food and fat European style

Herman Lelieveldt

## Introduction

This volume has its origin in a panel session with the very curious title ‘Fat: the new black?’ which took place at the annual conference of the Law and Society Association in Berlin in July 2007. All of the panelists turned out to be highly critical of the alleged obesity epidemic that our Western society is facing today. Instead, they warned the audience for the negative effects that might be caused by the stigmatization of obese people and the psychological and social damage that the fight against obesity might cause.

The most vocal and eloquent of the panelists was Paul Campos, a law professor at the University of Colorado who turned out to be the author of *The Obesity Myth. Why America’s obsession with weight is hazardous to your health* (Campos 2004). During the session he basically recapitulated the main arguments of his book. According to Campos (1) the *Body Mass Index* BMI is a bad measure for the possible bad influence of excess fat on health (adiposity), (2) the suggested explosive growth in the number of people with overweight (a BMI > 25) and obesity (a BMI > 30) is largely a statistical artifact, (3) the health risks of being overweight are grossly overstated and (4) even if we would agree that people need to lose weight, this is a mission impossible because between 80 and 90 percent of those who try to, will sooner or later get back to their original weight.

The panel session was very upsetting. In the first place there was the cult-like consensus that existed behind the table (the discussant simply joined the panelists in their attack on the dominant obesity paradigm, instead of scrutinizing their arguments). But more fundamentally of course the panel challenged the received wisdom about obesity: that it is *the* major health problem that currently faces our Western society and that fighting it requires an effort that is comparable to the fight against terror as US Surgeon

General Richard Carmona stated so clearly back in 2006 (CBS News 2006). It did not take much time to figure out that I had stumbled upon a topic that would be an ideal vehicle to introduce students to the study of public policy.

Anyone taking a more than superficial glance at the problem of overweight or obesity – for the sake of readability the terms will be used interchangeably in this chapter - is almost immediately lost in the many viewpoints that are expressed in this multifaceted debate that invokes a range of medical, moral, political and cultural questions on what is actually the problem here. Obesity and overweight are the perfect example of what policy analysts like to call ‘wicked problems’ (Rittel and Webber 1973). They are unique in its kind, often ill-defined, and usually indicative of a host of other interrelated problem. Moreover, solutions for this problem can not be taken from the shelf and often as complex as the problem they try to deal with. Finally, they are almost always intertwined with normative viewpoints on human nature and the proper role of governments.

Not only in terms of the problem itself, but also in terms of scholarly reflections the US is taking the lead. The country has not only produced the fattest people in the world, but also turned out a vast amount of studies that go beyond the medical realm and seek to assess the problem in terms of its impact and meaning for public policies. As their titles attest, many of these studies are highly critical of the *communis opinio*. Campos’ work was followed by books like J. Eric Oliver’s *Fat Politics. The Real Story Behind America’s Obesity Epidemic* and Gina Kolata’s *Rethinking Thin. The New Science of Weigh Loss – and the Myths and Realities of Dieting*. Although some of the claims in these books are weak, these are important studies that deserve to be read, because they provide an important counterpoint to the overwhelming and somewhat stifling consensus that we are indeed facing a problem of epidemic proportions.

Now even if it would be true that we are not looking at an epidemic but a ‘moral panic’ (Campos et al. 2006: 55) – the truth probably lies somewhere in the middle - policy makers are taking the problem very seriously, not only in the US but also in Western Europe. One little example may suffice to show that obesity has passed the litmus test of being worthy of the attention of public policy scholars in Europe as well. In the same summer during which Campos and his colleagues made their presence at the

Berlin conference news, came out that Gianluca Buonanna, the mayor of the small, Italian village of Varallo Sesia, had decided to offer his residents a premium of 50 euros if they succeeded in losing at least three kilos within a month. If concerns about overweight are worrying mayors in the country that many consider to be the bedrock of the healthy Mediterranean diet, there seems to be ample reason to have a closer look at public policies in Europe.

Although rates of overweight and obesity in Europe are not as high as in the US, the rates of increase are quite similar, which may very well explain why policymakers are drawing so much attention to the problem. In the US the Centers for Disease Control report an increase in the number of adult obese from 15 percent in their 1976-1980 survey to 32.9 % in the 2003-2004 survey (CDC 2008). In the European countries the figures are somewhat less dramatic, although we witness similar rates of increase, with the UK leading the pack with 20% of the adults being obese (40 % being overweight), whilst the figures are 10 % and 45 % respectively for the Netherlands.

Seen from a public policy point of view these figures are indeed nothing more than a bunch of 'indicators' which may play a role in setting the governmental agenda, raising public awareness or prompting specific interventions. The goal of this course was to go beyond these facts, to explore the many policy issues that surround the problem of overweight and obesity and to produce some original research that would put findings from the US in a comparative perspective. One important source of inspiration was a recent Dutch book called the *Obesogenic Society*, in which various Dutch scholars look at the socio-cultural context of the obesity-problem and address a wide range of psychological, moral and public policy questions (Dagevos and Munnichs 2007). In a debate that is often dominated by doctors, nutritionists and epidemiologists, the book provided a much needed contextualization of a problem that is often only treated from a health perspective.

### **The course**

We kicked off the course with Marion Nestle's *Food Politics* (Nestle 2007). Students were literally captivated by the findings and arguments she presents. Many of them confessed that after reading her book entering a supermarket would not be the same

anymore. Suddenly behind every package it seemed the interests of BIG FOOD were lurking. In class students presented Nestle's chapters in many original ways: we had a blind-tasting of different Cola brands to discover the power of marketing and we visited several drugstores in Middelburg to learn everything about the health claims of over the counter drugs. *Youtube* provided a virtually endless source of appropriate clippings from documentaries and commercials that helped illuminate the problem.

After reading Nestle we focused on the controversy surrounding the obesity epidemic. We read a couple of epidemiological studies on the relationship between BMI and excess deaths (Allison et al. 1999; Flegal et al. 2007) and the highly controversial article by Campos and his colleagues in which they qualify the epidemic as a moral panic (Campos et al. 2006), as well as work on the framing of obesity (e.g. Lawrence 2004).

At this stage most of us were utterly confused. The only way to organize our minds was to invoke some of the insights from public policy analysis, in order to get more grip on what we were looking at. We familiarized ourselves with agenda-setting theories (Downs 1972; Kingdon 1995) and studies using the organizational state perspective (Knoke et al. 1996) to get some feeling for the interaction which takes place between organized interests and governments when it comes to making policy.

After the spring break students were at the stage of starting to prepare their own empirical study on which they would focus for the remainder of the course. Students were more or less free to choose a topic as long as they connected and gave a public policy angle to the obesity problem *and* made sure that they would engage in original research. Given the fact that all of them are social science students in their second or third year pursuing a very broad liberal arts curriculum, they were in fact engaging in what is known as undergraduate research: 'an inquiry or investigation conducted by an undergraduate student that makes an original intellectual or creative contribution to the discipline' (Council on Undergraduate Research 2008). Learning to do research was a much a goal as being able to answer the research questions. Much time was allotted for presenting research proposals and intermediate results and to providing feed-back, not only on the basis of individual appointments with the instructor, but as much using peer review.

During this second half of the course we also benefited from the input of various guest speakers, which we would like to thank for their contribution. Roxanne Korsuize, one of the participants in the weight loss show *De Afvallers XXL*, shared her experiences, Edo Meinders an emeritus professor of internal medicine told us everything about the discovery of the hormone Leptin, and Roel Pieterman contextualized the efforts by policy-makers to tackle obesity by outlining the emergence of a precautionary culture in which cost-benefit analyses lose their role as guiding policy decisions and are being replaced by the principle of the zero-risk principle, whatever the price that has to be paid for this.

### **This volume**

The virtue of all of the papers is that they provide a fresh take on the problem of obesity by providing a comparative perspective on a problem that has been studied mostly by US scholars. Although most analyses draw their original material from a Dutch perspective they all seek to follow Przeworski and Teune's predicament to eliminate proper names and go beyond the qualification of a certain phenomenon as a typical Dutch or European way of policy making (Przeworski and Teune 1970: 30). Thus, the authors seek to provide substantial explanations for their findings by examining the institutional constellations in which public policies are made and by comparing them to other political systems, most notably the US.

The first group of papers, and the first section of this volume, looks at different policies and regulatory styles at the national and European level: the Dutch covenant on overweight, the construction of dietary advice in the Netherlands, the Dutch code for advertising and the industry's responses to the European Commission's Green Paper on overweight and obesity. The second part of the book focuses on the public perception of the problem through a quantitative and qualitative analysis of obesity framing in Dutch newspapers, an in depth examination of the weight loss show *De Afvallers XXL* – the Dutch edition of *Big Diet* – and a case study of the advent of functional foods and probiotics in the Dutch retail sector. The final section of the books contains a number of interesting case studies that each focus on the implementation of policies that seek to address obesity: a chapter on the extent to which obesity and overweight have become an

integrated part of urban policies in 40 Krachtwijken (somewhat similar to the US Empowerment Zones), an examination of the extent to which primary schools in Middelburg have imposed regulations on food consumption in schools and - last but certainly not least – a critical study of Jamie Oliver’s attempts to change school lunches in the UK.

*Policies at the national and European level*

The collection of essays starts with an examination of the effectiveness of the *Convenant Overgewicht*, by Denise Bergkamp and Susan Mathijsen. Covenants are mutual agreements that lie somewhere in between self-regulation and hard legislation. Public and private parties commit themselves to do their best to achieve a commonly formulated goal, but at the same time they can not be legally be forced to do any of the things they promise. All in all the success of covenants depends upon the willingness of parties to care for their reputation. By now there is a solid research tradition that points out in which cases covenants may constitute the best regulatory option for tackling a public policy problem. But is this also the case for the fight against obesity? For one thing they note that the ambitions of the covenant are quite high: they amount to nothing less than reducing the number of obese people in the Netherlands. But at the same time they note that the covenant itself does not meet many of the elementary requirements such a document should meet in order to be effective. What they do observe is a mixed bag of loosely connected initiatives that try to do something about obesity. There is however not a more concrete or short-term focus that would serve as intermediate stepping stones to the ultimate goals of reducing obesity.

In the next chapter Jeanine Bezuijen looks at the construction of dietary advice in the Netherlands and compares it with the practices in the US. One of Nestle’s major claims in *Food Politics* is that the US food industry is so powerful that they have successfully blocked the inclusion of an *eat less* message into the dietary recommendations of the USDA, despite all the scientific evidence which unequivocally calls for this. Not so in the Netherlands. Bezuijen shows that the Dutch dietary advice contains an unequivocal recommendation to be modest in the amount of food one consumes. She is able to account for these more stringent recommendations by pointing

out important institutional differences in the way dietary advice is being produced. While in the US the Department of Agriculture is in charge of making and updating dietary advice, in the Netherlands it is being relegated to the *Voedingscentrum*, which is a publicly financed institute that is institutionally insulated from the Ministry of Agriculture (and thus from a possible direct political interference by its principal, the minister for Agriculture). As such it is able to establish its advice on purely scientific grounds, which are provided by the *Gezondheidsraad*, another publicly financed but independent advisory council of the government.

There are other domains however where the differences between the US and the Netherlands are not so big. Take for example concerns about the possible effects of advertising focused on children. In chapter 3 Maartje Verdult shows that in both countries advertisers have established self-regulatory structures to control advertising and deal with complaints about advertisements. In such a system parties are free to join these agreements, and are only expected to comply with the rulings of cases if they have signed these codes. All in all, Verdult notes that there are very few differences between the US and the Dutch commercial codes. Both of them contain some guidelines regarding the presentation of foods, but there is no such thing as a ban on advertising foods to children. Not surprisingly, many interested parties consider these regulations to be lax. Verdult shows that a relentless campaign of the Dutch *Consumentenbond* (a public interest group for consumer interests) led the association of Food producers to finally decide to stop advertising food to children below the age of 12.

Given the fact that obesity is a problem that is faced by many Western countries, it does not come as a surprise that the European Union has started to worry about the problem as well. In chapter 4 Mariam Khotenashvili examines the industry's response to the European Commission's Green Paper on "Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases". Such green papers are the starting point for many legislative processes in the European Union. After the publication of a Green Paper the Commission invites all interested parties to address the issues that are brought up and give their opinion. Khotenashvili provides an in depth analysis of the responses of a couple of important industry groups (food producers) and notes the strong preference they have for self-

regulation and the stress they put on letting consumers decide for themselves instead of restricting their options. But all in all her verdict on the way the Commission has integrated the various responses into their White Paper is quite positive, as the viewpoints seek to balance the interests of various parties.

### *The public image of obesity*

Martine van der Lee kicks off part two of this book by examining the discourse on obesity in the Dutch press through a quantitative and qualitative analysis of newspaper reports. Her findings clearly show that reports on obesity have witnessed epidemic increases – at a rate that far outstrips the increases in the actual prevalence of overweight and obesity. It is not so much science as well as government and government related institutions that are the most important agenda-setters for media attention. One of the most telling examples of this is a recent article by the Dutch Minister for Health Ab Klink, co-authored with the chair of the covenant overweight Paul Rosenmöller (see chapter 2 of this book) and Johan Polder a senior staff member of the RIVM – the national institute for Public Health and the Environment (Klink, Rosenmöller and Polder 2008). Their scientific article on the economic burden of being overweight was published in *Economisch Statistische Berichten* and subsequently picked up by seven newspapers. It is probably hard to find a better example of governmental actors acting as para-journalists or para-scientists, a term Van der Lee borrows from Schudson, to show to what extent governments can set the media-agenda.

Whilst political elites may derive most of their views and information on the problem of obesity from newspapers, the general public will at least as much be influenced by what they learn about obesity on TV. Emma Haverkamp therefore takes a close look at the way obesity is framed in *De Afvallers XXL*, a weight loss show which was broadcasted in spring 2008 by SBS6 and drew an audience of on average 800,000 viewers per episode. Haverkamp concludes that the program projects the causes of obesity exclusively at the individual level. There is no reference whatsoever to neither biological factors nor environmental factors that may play a role as well in making people fat. In addition, despite the fact that the program runs for a full two hours per episode,

there is absolutely no educational dimension to be found in its contents. It is pure entertainment, very often at the expense of participants.

In chapter 7 Leendert de Die tells the story of the rise of functional foods and probiotics in particular. De Die compares the health claims of Activia – a yoghurt drink containing probiotics - with the scientific evidence that its manufacturer Danone presents. Although the claims do not violate the regulations it is clear that its manufacturer stretches it to the limits and makes people suggest that the product they consume is beneficial. What makes the case of probiotics even more interesting is the fact that at the beginning of 2008 researchers of Utrecht Medical Centre reported on a failed experiment in which patients were administered high doses of probiotics directly into the body, which resulted in a high number of deaths in the experimental group. Although in this experiment probiotics were used in a completely different way and dose as in the probiotics drinks, the public became very suspicious about the safety of the substance. The result was a significant drop in the sales of functional foods containing probiotics. As such it suggests that using scientific claims to advertise a product can seriously backfire if in another scientific context the substance turns out to be so harmful.

#### *Implementing policies in the fight against obesity*

Just like in many other areas the biggest challenge in tackling the problem of obesity is in finding sufficient public and political support to get intervention plans going and making sure they are implemented by the appropriate actors. Part three of the book is devoted to three papers that outline these challenges.

In chapter 8 Adiël Vader takes a look at the extent to which overweight is incorporated into Dutch urban policies. At first sight there seems to be ample reason to tackle overweight using such territorially focused policies. There is by now solid empirical evidence about the relation between socio-economic status and health. Moreover it turns out that in addition to this individual level relationship there are neighborhood effects which add to this already quite strong negative relation. Through ex-ante evaluation Vader shows only about half of the cities do mention the problem and those who do fail to present concrete proposals in most cases. The proposals Vader was

able to find focus mostly on increasing expenditure – for example facilitating sports by providing playgrounds or soccerfields - , not on reducing caloric intake.

In chapter 9 Carolina Andebeeek takes a look at the primary schools which are obviously a very good context to tackle child obesity both by putting restrictions on what children can eat as well as by encouraging a healthy life style. She starts out with a review of intervention studies which in fact shows that many programs may raise awareness about a healthy life style but never succeed in actually bringing the BMI of school kids down. Despite these somewhat disappointing results, we do witness a plethora of initiatives being offered to schools. Through a survey amongst primary schools in Middelburg she shows many schools take part in a host of programs that seek to make children aware of a healthy lifestyle and encourage physical activity. Those schools who believe obesity rates have been rising among their pupils do take part in a larger number of programs than those that think it has remained the same (None of the schools surveyed in fact thought rates of obesity had gone down). She also shows that many schools have put in place rules and regulations on the contents of lunchboxes as well as the kinds of treats children may serve on their birthday. Interestingly enough however, some of the schools told her they downgraded their rules to recommendations under pressure from parents who did not want the schools to determine what kind of food children can bring to school.

The most dramatic and well known example of such a conflict between schools and parents was the fight Jamie Oliver engaged in when he tried to change the school lunches in UK schools. While the cooking ladies stopped serving fast food for lunch and started cooking healthy meals, children started to avoid the canteen and brought their own unhealthy lunches to schools. When schools started to forbid this, junkfood moms congregated during school breaks in front of the school to hand out these boxed through the gates, in a kind of human version of feeding the animals. All in all, many of us feel that Jamie Oliver was the first one who seriously addressed the problem of UK school lunches – ‘government does not seem to have the answer’ is what the voice-over says in the first episode. In chapter 10 Anne van der Lingen challenges this perspective by showing that many other organizations already addressed the problem, long before Jamie entered the stage. Although he has certainly contributed to putting the problem on the

governmental agenda, he was not the only one. Moreover Van der Lingen notes that after all Oliver's contribution to solving it is far from structural. He was a bird of passage whose involvement did not last for a very long time.

## **Conclusions**

If we would want to make an attempt to summarize the insights we gained from these different studies, three observations come to mind. The first is that many of the public interventions that are proposed and implemented focus on increasing physical exercise as a way to tackle the imbalance between caloric intake and expenditure. We are essentially looking at an infinite number of variations on the advice Brillat-Savarin's gave almost two hundred years ago when he told the obese to 'exercise on foot or on horseback' (Brillat-Savarin 1970 [1825]: 217). But being more active came in as his last recommendation. 'Discretion in eating' was the first one, and for good reasons because research shows that it is much more effective to reduce caloric intake, than trying to burn-off extra calories. Governmental efforts on this side of the equation are however very modest and mostly limited to better informing consumers about healthy choices, a strategy that is embraced by the food industry. More invasive measures such as a fat-tax or the restriction of sales of certain foods are beyond imagination.

A second related observation pertains to the policy instruments that are being employed in the fight against obesity. Just as in the US, we also witness in Europe a very strong reliance on self-regulation as the preferred mode of policy making. There is a relentless effort of specific interests such as food producers and many other interested commercial parties (like advertisers) to make sure that they can stay in charge as long as possible when it comes to regulating their own behavior. In Europe such a self-regulatory climate fits the consensual nature of decision-making in which dialogue and good intentions are usually preferred to hard regulation.

A final observation relates to the vexing problem of attributing responsibility with regard to the problem of obesity and its consequences and allowing a helping hand from the government. By now the official reading in many policy documents, such as the EU White Paper, is that both the individual and society share the blame for this health crisis. But even if we would allow for biological differences which make some people more

prone to becoming overweight, and for environmental factors that provide contexts in which it may be difficult not to gain weight, there are individual decisions and actions at the end of this chain of command. Whilst one would to some extent expect a willingness of people to accept a helping hand in helping to keep their weight under control, some of the case studies clearly show that citizens themselves want governments off their backs. Whilst many public institutions such as schools and health care facilities feel responsible to do something about the problem and are in fact willing to take drastic measures to achieve results, it turns out that citizens experience this as paternalism or an outright violation of their individual autonomy.

In the end as J. Eric Oliver notes in *Fat Politics*, it all boils down to the fundamental maxim of the freedom to choose which is so deeply ingrained in our liberal societies, something which is inextricably linked with the capitalist mode of production (Oliver 2006: 177-180). People value the freedom to choose to such an extent that in the end they would probably rather eat themselves to death, than being ordered by the government to not eat that second cookie.

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