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## **LOSING MORE THAN WEIGHT: UNSCIENTIFIC “WAR” ON OBESITY WILL TRIM PERSONAL FREEDOMS**

by

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Ever since the Surgeon General and the Centers for Disease Control began talking about an “epidemic of obesity,” it was clear that the latest health-related “war” that Americans would have to worry about was to be a war on fat. It is now impossible to pick up a newspaper or turn on the television without encountering a new claim about the damage done by fat, the causes of obesity or what the government should do about it.

The Food and Drug Administration has its Obesity Working Group, doctors are lobbying to have obesity labeled as a disease, recent articles in the popular press have talked about “hamburger addiction” and the maker of Oreo cookies is facing calls to ban the product because of its trans-fats. Not surprisingly, the Center for Science in the Public Interest (CSPI) has weighed in with an entirely predictable call for controlling food marketing and sponsorship to kids.

Looking across the Atlantic, Britain’s medical journal *The Lancet* has called for sin taxes on “junk food” while Cadbury Schweppes, the candy makers, have undergone several months of bruising controversy over their Get Active Program, where candy wrappers can be redeemed for sports equipment for schools. And London-based analysts at JPMorgan have warned of significant new European regulations on food distribution, labeling and advertising that could dramatically affect food and confectioners’ share prices. Looming in the background, of course, is the World Health Organization where the fat war is lumped together, organizationally, with tobacco and which has just drawn up a massive new global plan to promote so-called healthy food and lifestyles through taxation and other government-driven measures.

Perhaps most ominous is the spate of new books on obesity, including Marion Nestle’s *Food Politics*, Greg Critser’s *Fat Land* and most recently Kelly Brownell’s *Food Fight*, all of which develop the environmental account of fat in which it is the food industry which, through a variety of strategies, but most particularly through advertising, creates an environment where obesity takes root and thrives.

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For most of the new class of professional “experts” on obesity both the justifications for the fat war and the strategy for winning it are already in place. They are based for the most part on the on-going 25 year war against tobacco. As the war begins, for instance we can expect to be told that fat is the largest source of preventable illness and death and that close to half of Americans are now overweight or obese. We will also be told that there is no safe level of fat consumption, that fatty foods are addictive and the advertising for them feeds this addiction. We will be cautioned about the public danger posed by secondhand fat — that is the startling finding that people who live surrounded by fat people run a 50% increased risk of dying of a fat-related illness. We will be bombarded with claims that fat people impose inordinate costs on the rest of us through their hoggish use of scarce medical resources. We will be told that being fat is abnormal, if not immoral, though the moral tone will likely disappear once obesity is declared a genuine disease. We will be warned, always with a straight face, that fat is the greatest danger that our children face.

Based on these scientific “truths” the nation’s health promoters will quickly go to work on a series of policy measures designed to deal with our collective girth: sin taxes on fat-inducing food, bans on advertising of obesity-threatening products, warning labels on “bad” foods, distribution and access restrictions on inappropriate foods, removing junk food from schools and hard-hitting advertising campaigns designed to “denormalize” fat. About the only thing not yet on the table is an annual Fat Tax that would assess a levy based on one’s deviation from the new ideal body mass standards.

Since few of us go through a day without thinking about fat and since fat is at least plausibly unhealthy, why should anyone object if America’s high priests of health enlist the engine of government coercion against fat? Four problems suggest that the war on fat is a war we do not need.

For one thing there is the far from insignificant problem of etiology and evidence — the fundamental requirements of good public policy — that insist that the scientific basis for disease interventions be clear and compelling. But the assumptions and the science of fat and diet are far from clear enough to form a coherent basis for a war.

For instance, it is not axiomatic that all fat people have high blood sugar levels, high blood pressure and high cholesterol levels and thus are at increased risks of diabetes, stroke and heart disease. More importantly, a number of studies have failed to find an association between decreased weight and improved health. Some studies have even shown a connection between weight loss and higher rates of mortality. A recent study from Albert Einstein College of Medicine, published in the American Journal of Preventive Medicine noted that “eating less may not necessarily equate with leanness, nor does eating more necessarily translate into obesity.” After following 9,800 subjects for 17 years the researchers concluded that “caloric intake might not be a primary determinant of CVD mortality.”

Then too, the entire idea of good food and bad food and of a particular diet and reduced morbidity and mortality is very open to question. Comparative studies looking at the fat and blood cholesterol levels across different cultures have failed to sustain the claims about a cause and effect connection between life expectancies and diet. Crete, for instance, with its “healthy” Mediterranean diet has one of the lowest incidences of heart disease yet has a fat intake of 40%, which is close to that of the UK. The Netherlands, which has one of the highest life expectancies in Europe, has a fat intake of 48%. This compares to the Masai of East Africa who have very low levels of blood cholesterol yet derive some 66% of their calories from fat.

About all that one can say with scientific certainty about the obesity-diet-health connection is that, as the late epidemiologist Petr Shrabanek observed, “people who eat, die.” None of this is to suggest that fat is good, though the American author Richard Klein has made that claim, and there is a multi-billion dollar industry that has an enormous interest in getting us to believe that fat = untimely death. All we wish to suggest is that the science of fat fails to provide the requisite *certainty* that an enormous public intervention with its inevitable encroachments on core freedoms requires.

But there is a second problem with the fat war and it centers on the question of efficacy — will the measures being suggested actually work, that is, will they really change people’s eating behavior so that they are, if not thin, then at least less fat? The numbers do not look promising when one realizes that out of every

100 people who diet, only four are able to maintain their post-diet weight. Obviously fat recidivism is rampant since 95% of dieters report being fatter five years after their diet than when they started to trim.

Then too, there is the worry about unintended outcomes as some experts suggest that the most significant cause of eating disorders is dieting. Given the enormous cultural prejudice associated with fat and the seemingly nonstop efforts by so much of the population to lose weight, why should we think that the government and the health establishment will succeed in getting us to do something — lose weight — that we are unable to do for ourselves? A decade of extensive nutritional labeling on U.S. food has not reduced American waistlines.

A third problem with the war on fat is the consequences it holds for both the legal system and the public policy process. The war on fat, like the war on tobacco, will be fought to a large extent by special interest groups who act as the self-appointed guardians of “healthy” lifestyles and who fully intend to pursue their campaign against “Big Food” through the U.S.’s highly plaintiff-friendly legal system. The food industry, looking at the legal woes of tobacco or Nike’s recent attempts to respond to activist arguments using constitutional free speech protections, might well conclude that it is best to capitulate to the activists’ demands rather than attempt to resist them through the legal or public policy process.

But this is to invite further problems. For one thing, to give in will simply increase both the volume and the nature of the demands. Nike, for instance has some of the best factories in the developing world yet is still attacked by its activist foes. And McDonald’s halting sales of supersized fries and drinks simply brought new demands from the CSPI to eliminate trans fats and put calorie counts on menu boards. For another thing, to give in will allow the junk science foundation of the activists’ case and its assault on important rights to escape being tested in the courtroom, where its true character might be revealed. Finally, capitulation establishes another powerful precedent for that lethal combination of strong-armed and empty-headed advocacy hijacking the public policy process.

Scientific evidence and efficacy and the risks of corporate capitulation are but quibbles, however, beside the fourth problem with the looming war on fat, namely its enormous potential to further erode individual liberty through using the government’s propaganda and coercive powers to once again define and enforce a single vision of what constitutes a good life.

Despite the occasional bout of nannyism, Americans have never been comfortable with the idea that their government has a role in structuring their souls through telling them what to think, what to believe or what to be. But this is precisely what the war on fat proposes to do since it is based on the assumption that the state’s supposedly scientific judgment that fat is bad is inherently superior to my judgment that fat is, if not good, at least tolerable. It contends that I have an obligation to order my life according to the State’s judgment about my health and it proposes to force me to conform if I demur.

But this claim of State-enforced healthy living as scientifically mandated is fundamentally fraudulent. Consider the typical argument against say, eating large amounts of fast food. The champion of the fat war will claim that it is a scientific fact that if you stop eating large amounts of fast food you will live longer. Therefore you should stop eating so much fast food. But this only works if another premise is added, namely *if you value living longer more than you value eating fast food*, then you should stop eating large amounts of fast food.

As soon as this premise is added the scientific character of the war on fat is exposed for what it is — a semantic trick that hides the value-laden and unscientific nature of the undertaking. Although it might well be science that suggests that one could live longer if one eats less fast food, it is not science that tells me that I ought to value living longer more than eating fast food.

This does not make the health promoter’s injunctions about fat unworthy of attention: it merely suggests that they are not the pronouncements of science so much as views about a particular way of living. This means that they must be justified like every other bit of moral philosophy about the good life through careful argument, not by dogmatic pronouncements and the force of law.

At best, then, the scientific foundations of the war on fat extend only to its claims about the causes of disease, and these, as we have suggested, are highly contradictory. When those in favor of getting the State involved in the fat business begin to talk about what to do with this information, they cease to speak as scientists. This, in turn, has enormous implications for public policy about obesity. When the critics of fat begin to tell us why we must all be thin, even if this includes the use of the coercive powers of the state, they must tell us — and this they have never done — why a life of, say, 70 years packed full of the self-chosen pleasures of fast food and chocolate, for instance, is in some sense inferior to a life of 73 years without those pleasures. At the end of the day this is what their argument about good food/bad food equating with nutritious food/non-nutritious food, which in turn equates with moral food/immoral food, is really about. It is about ignoring that most people throughout history whose basic food needs have been met have probably eaten more with a view for what they like than for what is good for them.

This does not mean that a life of 70 years crammed with fast food or chocolate is necessarily better than 73 abstemious years. What it does suggest is that these are not scientific choices that the promoters of the war on fat can make for the rest of us so much as individual moral choices about the kind of life we want. What the war on fat proposes to do, all under the guise of “scientific decision making” or “evidence-based medicine” is to replace my decision about the tradeoffs between fast food and chocolate and a risk of a possibly shorter life with the government’s calculus of what is good for me. Rather than allowing individuals to make their own health decisions about fat we are asked to put our faith in a health establishment and bureaucracy that consistently misrepresents scientific findings, issues dietary guidelines that are sloppy and in many instances purely arbitrary, and proposes solutions that are without intellectual, moral or practical rigor. At its core the war on fat presumes a nursery nation full not of rational and self-governing adults but of docile infants too uncertain of their own values and how best to realize them to be left to make their own way in the world.

The exclusive preoccupation with the values of health and longevity over the last decades of the Twentieth Century appears to have deadened us to the fact that there are other values that are equally important to a full and good life. So taken are we with the new religion of health that we seem prepared to defer to any regimen, surrender virtually any pleasure and compromise any liberty so long as it gains us a deferral of death.

In this sense the looming war on fat is about far more than fat; it is about the ever-expanding attempt to order what we are under the cover of health. Stripped to its essentials the war on fat is really a war on what the health establishment conceives to be illegitimate pleasure. The proposal to impose a sin tax on certain books, plays, ideas, or associations in order to change people’s behavior and to improve their mental health would not survive a moment of serious consideration. Yet the exact same policy applied to food appears to many to be uncontroversial precisely because it is “only” about health.

The lasting legacy of a war on fat will be both a much fatter government and a much thinner citizenry. The government will be fatter through its expanded power to shape inappropriately the lives of its citizens and the citizenry will be thinner in its capacity for choice, self-government and personal responsibility. Shouldn’t we prefer a society of the fat and the free to a country of the lean who have surrendered to the government the right to decide what constitutes a good life?

After all, the great compliment of democracy to human dignity is that through it we entrust to ourselves, not a government however well-intentioned, the task of ordering and indeed, misordering our lives. And that compliment makes all the difference.