

## **Spyware and threats to health campaigners**

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Will Mexican people's health be held back by the food and beverage industry? © Shutterstock

**Working out who are friends and who are foes in efforts to protect and promote public health is getting more difficult, with recent experiences in Mexico revealing that food and beverage industry lobbyists campaigning to protect profits may have allies within government. When a primary objective of governments should be protecting health of citizens, it seems some may be seeking to do the opposite, and using intimidating means to do so. Alejandro Calvillo explains how he and colleagues were recently subject to such intimidation.**

In Mexico, defending the right to health is now fraught with danger: promoting policies to tackle obesity and diabetes involves not only confronting the economic powers of the mighty soft drinks and junk food industries, but also facing up to their government allies. *"Economic power readily translates into political power"*, [according to Dr. Margaret Chan, Director-General of the World Health Organization](#), [1] who observed that sufficient progress will never be made against noncommunicable diseases, which are currently the main cause of illness and death, unless the major tobacco, alcohol, soft drinks and junk food industries are also challenged. Chile is doing this successfully. Mexico is not. Mexico's efforts are nothing more than a sham, which is costing tens of thousands of lives.

### **Failing to challenge the soft drink industry is failing to protect public health**

Take a look at the front-of-pack labeling on food and drink products, supposedly to help us make the right choice, which nobody understands and which features sugar values that pose a danger to health. Consider the regulation on food and drink in schools which is not applied, and the regulation on advertising aimed at children which does not cover the schedules and programs most watched by children or prohibit the use of tools to manipulate and deceive that these companies employ to persuade children. The list is endless.

The case involving spyware and threats uncovered by [The New York Times](#) [2] last Saturday (11/02/2017),

based on a report by Citizen Lab, which is attached to the University of Toronto and is one of the top international centers for the analysis of digital safety, reveals that three Mexicans (including the author), all of whom work in the field of public health and promote policies to tackle obesity and diabetes, had our phones tapped with highly sophisticated spyware and were also sent intimidating messages that could be considered death threats.

The targets of the spyware and intimidation were: a researcher at the Mexican National Institute for Public Health (INSP), Dr. Simón Barquera, one of the most eminent nutrition policy researchers in Mexico and Latin America; Luis Manuel Encarnación, Coordinator of the ContraPESO [CounterWEIGHT] organization network, who has played a leading role in promoting public policies to tackle obesity and diabetes among policy-makers; and the author of this blog, Director of El Poder del Consumidor [Power of the Consumer] and spokesperson for the Alianza por la Salud Alimentaria [Alliance for Food Health], a national network of more than 30 organizations, all seeking to carry out public campaigns to promote regulations to change the obesogenic environment in which we live in Mexico.

The so-called malware that was downloaded to our mobile telephones via text messages comes from the Israeli NSO Group, which specifies in its principles that it sells its systems only to governments and not to private individuals. NSO Group states that, in its contracts, it establishes that its equipment should be used only against criminals or in the event of terrorist threats. As the journalist who wrote the article, published on the front page of The New York Times, points out, the Mexican Government has been one of the leading clients of NSO Group. **All evidence points to the fact that the spyware was purchased by the Mexican Government to target one researcher and two public health campaigners.**



*Press conference held this week by El Poder del Consumidor, Fundación Contrapeso and R3D.*

### The chain of events leading up to the attack on public health advocates

Those of us who were targeted by the attack, which took place between July and August 2016, were at the time promoting an increase in the tax on soft drinks to 20%, as recommended by the Pan American Health Organization, the National Institute for Public Health, international experts and ourselves since the tax was proposed. Evidence shows that, in order to achieve significant results, the tax on soft drinks has to be at least that much. At the same time, we were calling for the revenue collected from the tax to be assigned to a special fund for preventive actions and access to drinking water in schools and public spaces. ContraPESO and the Alianza por la Salud Alimentaria were carrying out public activities focusing on the call to increase the tax on soft drinks to 20%. Dr. Simón Barquera was

referring to it in academic forums and through social networks, fully aware of the harm that such drinks wreak on the health of Mexican people.

One week prior to the NSO malware attack, the Alianza por la Salud Alimentaria held a press conference on the front-of-pack labeling on food and drink, informing about the risks of such labeling for the health of the population and how the authorities had produced it in conspiracy with the industry. In this respect, a few weeks ago, we presented the ruling of a judge concluding that such labeling should be withdrawn because it represents a health threat. In addition, the magazine Proceso published internal correspondence between the Pan American Health Organization and the Ministry for Health referring to meetings of the ministry and Cofepris with PAHO and WHO representatives, during which the international organization clearly alerted the Mexican authorities to the fact that the nutritional values on the labeling represented a health risk.

I would like to state here that not only are we uncomfortable about the industry; we are also uncomfortable about its government allies, who continue to defend and promote those regulations that they drew up together with the industry, such as those on front-of-pack labeling. It is not about drawing attention to the fact that malware can be purchased by the government and used to serve the industry. The question is, who in the government is serving the industry? Is this coming from below, via government insiders, or has it been ordered from above, by the highest authorities?

### **Dirty games leave more questions than answers, and lives at risk**

Malware is extremely costly and, every time a device is infected, a license worth several thousand dollars has to be purchased. This means that, given the contracts, the legal framework and the costs themselves, there have to be records of whose devices have been infected. The law permits the use of such tools only to deal with criminals, and the company that sells them stipulates the same thing. Who is using these tools in this way?

For the mighty drinks industry, this tax is the measure that can most affect its sales, revenue and image, as can be seen by the strategy that it is following on a global scale against this tax measure and which was well illustrated in [DCleaks through leaked Coca Cola documents](#) [3]. The tax on soft drinks in Mexico has become the launch-pad for establishing fiscal measures aimed at reducing the consumption of these drinks in various regions in the world, including five US cities, Portugal and the UK. The measure is being discussed in Australia, the Philippines, Canada, South Africa and many other countries.

Evidence from the NSO malware case points to the fact that the government acquired the malware and installed it, not to catch criminals but to thwart people campaigning for public health who are opposing the interests of certain industries and certain public officials connected to them.

### **About the Author**

**Alejandro Calvillo** received his Bachelor's degree in Sociology, carried out doctoral studies in Philosophy at the Universidad de Barcelona, and is a graduate of the Higher Learning Program on the Environment and Sustainable Development at El Colegio de México. For 25 years, he has been developing public awareness-raising and advocacy campaigns with civil society organizations. In 2006, he founded the consumer rights organization El Poder del Consumidor, which has been carrying out policy advocacy campaigns for a decade to transform the obesogenic environment in Mexico by promoting a national tax on sugar-sweetened beverages, healthy school food policy, the prohibition of child-targeted marketing of unhealthy food and beverages and the adoption of effective front-of-pack labeling. He has served on advisory panels to the Pan American Health Organization, Consumers International and Mexico's national consumer protection agency (PROFECO). For over 20 years, he has also written and been a columnist for different national media.

This blog "[Espionaje y amenazas a activistas por la salud](#)" [4] first appeared on the Mexican online newspaper "[SinEmbargo.mx](#)" [5]. The NCD Alliance thanks Sin Embargo for permitting us to translate and publish it in English.

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- [1] [http://apps.who.int/gb/ebwha/pdf\\_files/EB140/B140\\_2-en.pdf](http://apps.who.int/gb/ebwha/pdf_files/EB140/B140_2-en.pdf)
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