

Environmental Footprint of Foods: The Duty to Inform

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Abstract In this paper we argue that there is a duty to inform consumers about the environmental impact of foods, and discuss what this duty entails and to whom it falls. We analyze previous proposals that justify ethical traceability with arguments from sustainability and the respect for the autonomy of consumers, showing that they cannot ground a duty to inform. We argue instead that the duty rests on the right of consumers not to be harmed, insofar as consumers have an interest in the morality of their own agency that is frustrated if they are not informed about the environmental impact of the production and transport of what they consume. Our argument detaches the regulation of labeling from substantive theories of environmental ethics or perfectionist conceptions of citizens' responsibility, thus defending a case for labeling that is compelling also for those who take the role of the state to be limited to the prevention of harm.

Keywords Food · Label · Autonomy · Harm · Right · Sustainability · Consumer

What are the moral and political justifications of mandatory labeling of foods? What information should food packages contain? Should they be limited to health, safety, and storage or encompass morally relevant information as environmental impact and working conditions of the producers? We dwell upon these questions to argue that there is a duty to inform consumers about the environmental footprint of food, ideally on labels. Environmental labels inform consumers about the impact of production, transportation, and consumption of goods on ecosystems, e.g., emissions of greenhouse gases, consumption of soil, pollution of waters, depletion of free-living

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animal reservoir, etc.¹ We claim that public regulators must mandate environmental labels and producers must obey this regulation truthfully. Also, producers have a duty to label their products even if the mandate of labeling is not enacted. Moreover, the state must run certificatory agencies that guarantee universal standards of labeling, producers must undergo systematic controls, and citizens must be ready to give their own share to sustain these structures, both as taxpayers and consumers. We want to contribute to the debate on “ethical traceability” of products (Coff et al. 2007) making a case for the concept that is considerably stronger than previous proposals (in particular, Beekman 2008): specifically, we aim at a justification for compulsory environmental labels which is at least as conclusive as the best argument for mandatory health and safety standards of foods. In the following, we firstly discuss some traditional justifications of environmental labeling, which we argue are not sufficient to ground a *duty*² to inform although they might provide some reasons to enact regulations on labeling. In the second part, we flesh out a moral argument for the right to know based on the idea that consumers are *harmed* if they cannot choose according to their moral preferences and we derive the duty to inform from this negative right of consumers. In the last section, we discuss and reject several objections and sum up our argument.

Justifications of Ethical Traceability

The impact of the food system on world ecosystems can hardly be overstated (Lang and Heasman 2007). Exploitation of environmental resources due to the global food system has negative externalities on several human populations and it can have even worse effects on future generations. We argue that these are *not* reasons that ground the duty to inform consumers about the environmental impact of foods.

Let us consider the problem a bit further. Arguments from sustainability are instrumental reasons for labeling: many consumers are environmentally conscious, therefore we expect that systematic labeling would *result* in more sustainable choices. These reasons are, however, very weak as long as there is no agreement about what justice requires as for sustainability.

The political philosophers John Rawls famously distinguishes between requirements of substantive justice - those included in the content of the “overlapping consensus of reasonable doctrines”—and matters of justice for which there could be *reasonable* disagreement (Rawls 1993). The underlying idea is that of a set of principles of justice that are widely shared across different political, religious, and moral standpoints and can be explored by moral reasoning, flanked by a large grey area where issues are controversial and ought to be tackled by means of politics.

¹ E.g., Carlsson-Kanyama et al. (2003) have provided a proof-of-principle for the calculation of the greenhouse gases emissions of the life-cycle for 150 food items. On various specific issues, there are methods of estimating environmental impact with the aim of labeling, see for instance Lenzen et al. (2012) on biodiversity loss and global trade. .

² We use the terms “duty” and “right” in the sense of Dworkin (1978): rights generate duties and trump other conflicting moral considerations. In our case, if labeling is a duty, then no competing claim which is not itself based on a different right can weaken its demands.

These disputable issues, albeit relevant for justice, are subject to different judgments by different reasonable citizens.

Coherence with the content of substantive justice is, in any case, a necessary condition for the legitimacy of political decisions. The substantive content is often expressed in terms of *rights*, and these are at least *negative* rights protecting the integrity of individuals. That is, even theories that restrict the extension of substantive requirements to a minimum do not deny that there are negative rights that protect individuals from threats to integrity. The problem of sustainability is thus the following: we do not know which parts of environmental ethics—if any—belong to the substantive requirements. Moreover, we might suspect that many issues are open to reasonable discussion in the Rawlsian sense: they depend on the details of different and equally acceptable political beliefs. An important hint in this direction is provided by the existence of complicated conflicts between the principle of sustainability (World Commission on Environment and Development 1987) and further principles of justice, as discussed at length in the last issue of the Human Development Report with regard to intra-generational equity in the distribution of resources (United Nations Development Programme 2011). When there are competing claims of justice, their balancing is open to political discussion and this appears to be the case as for issues regarding sustainability. Hence, sustainability is not sufficient to ground a *duty* to label, although it gives at least a *pro tanto* reason to enforce regulations on mandatory environmental labeling (see also Beekman 2008). We are not denying that sustainability is an important social goal, we only maintain that the content of that goal is open to disagreement and therefore cannot sustain the moral stringency of a duty. Also, our conclusion is open to future challenges since we cannot exclude that the development of moral reasoning about environmental issues will reach a clearer verdict about the requirements of justice in this area of ethics.

Other arguments for labeling focus on consumers rather than on third parties that are involved in the process of production and consumption. For instance, Micheletti (2003) derives a justification of labeling from the debate on the role of consumers as citizens and their environmental responsibilities: the duty to inform would follow from consumers' *duty* to know. For perfectionist conceptions of the state, regulations must promote and facilitate the civic virtues of citizens, in this case the environmentally conscious consumer-citizen (for an application to the issue of food, see De Tavernier 2012). There are two objections that weaken this argument: (1) which behaviors of citizens are environmentally virtuous depends on substantive theories of environmental ethics, which raises again issues of reasonable disagreement as discussed above; (2) the perfectionist conception is hardly undisputable, for instance it is unacceptable for those who deny that the state has roles that go beyond the mere protection of third parties from harms that other individuals might cause (e.g., most libertarians), therefore the argument cannot be stronger than its weak perfectionist premise. Despite this weaknesses, we do not want to dismiss the perfectionist argument: rather, we sustain its conclusions by means of an argument that is not committed neither to specific normative claims about sustainability nor to perfectionism, and can thus be accepted even by those who have a very minimal understanding of the role of the state. Calls for responsibility are invaluable in

public discourse and can steer the preferences and choices of consumers very efficiently. Yet they are a second-choice political argument for *mandates*, which are restrictions of liberties that ought to be justified by reasons that can be acceptable even by those citizens that value liberties and autonomy above all.

A third argument for labeling depends on the notion of consumer autonomy (Hansen 2004; Rubel and Streiffer 2004). Hansen takes autonomy to be the ability to make one's own decisions, and argues that this notion entails that "a more informed consumer is more autonomous" and that the principle of "respect for autonomy" is relevant to mandate some forms of labeling. The idea is arguably that labeling provides information and more information is always *loosely* better than less, because for every individual and every new information either the information is irrelevant to choices, and then her autonomy does not increase, or it is relevant, and then her capability to make choices is enhanced. Although individual autonomy is valuable (Beauchamp and Childress 2001) and therefore the principle of respect for autonomy gives reasons to mandate labeling, these are admittedly *pro tanto* reasons: "violations of autonomy are permissible where providing such information is too expensive" (Rubel and Streiffer 2004). There is therefore no *right* to know attached to the principle of respect for autonomy: a right is not a *pro tanto* reason, and decidedly not a reason that can be cancelled out by reference to costs.

So far, we have explored three strategies in favor of environmental labeling: the reference to substantive requirements of (environmental) justice, the perfectionistic conception of responsibilities of citizen-consumers, and the use of the principle of autonomy. We have argued that none of them grounds a duty to inform consumers about the environmental impact of food and therefore none of them justifies mandatory labeling. In the next section, we present a new argument for compulsory environmental traceability that builds it on a more solid foundation.

Harm and Moral Interests of Consumers

We argue that a failure to inform consumers about the environmental footprint of products would harm *them*: although consumers' choices might have severe impacts on the lives of other people, the duty to inform is ultimately grounded on consumers' interests rather than on the interests of individuals that are subject to externalities of production and consumption of foods. This is because consumers have an *interest* in their being moral agents, that is, they have an interest in making choices according to their own moral principles. We should not simply respect consumers' autonomy, we ought to protect their *integrity*, which covers physical and moral aspects. To put it boldly, if consumers are not fully informed about morally relevant characteristics of foods, they *are worse off* than they could be, because they cannot be the sort of moral agents they wish to be. Hence, not labeling products is *harmful* to consumers, and therefore there is a duty to inform them about the environmental footprint of products. This is considerably stronger than the perfectionist derivation of the duty to inform from the consumer's duty to know. Also, the principle of preventing harm to consumers is more conclusive than the principle of respect for their autonomy. In this section, we will elaborate on the

notion that the consumers' right to know is part of the uncontroversial negative right not to be harmed and in fact of any reasonable moral view.

The idea is simple enough. Let us start from the reasons that ground other instances of mandatory labeling, for instance in the case of nutritional content. The *duty* to inform consumers about the nutritional content of foods does not rest on the belief that nutritional labels will result in healthier choices conjunct to the normative principle that population health is a crucial social good. Even though this is a good argument for labeling, it can hardly be the foundation of the duty to inform about calories and nutrients. This duty depends instead on the consumers' right to know about the features of products that are relevant for their choices, that is, of those features that are relevant for their own preferences. Fully informed consumers will generally make choices in their best interest—they will maximize their expected welfare—and therefore they would be worse off if they lacked relevant information, in this case information about the nutritional content of foods. The same argument applies *mutatis mutandis* to the case of environmental footprints: preferences do not depend merely on hedonistic pleasures, or just on concerns about health, but they are often highly moralized. The case of vegans and vegetarians is a striking example, but also the very existence of market niches that track peoples' ethical preferences (e.g., "fair trade") makes a good case. Consumers' concerns for international justice, animal welfare, and the environment are important at least as much as their concerns for their health and safety and, if these interests are frustrated, consumers are seriously harmed as a consequence.

Regulators should take consumers seriously as moral agents, therefore they cannot restrict the scope of consumer interests to self-centered values (health, safety) and mandate only the publication of information that is relevant for these values. This is *repugnant*, as long as it assumes that the minimal set of values about which all individuals care is self-centered, a quite pessimistic assumption about human beings. For our point, however, it is even more important that this is a plainly illiberal assumption: it rests on a hierarchy of interests—first, self-centered; second, moral interests—that is *partial* and reflects very specific conception of a moral life. Moreover, Harris (2005) has argued that there is an interest of citizens of being taken seriously as moral agents, who put ethics ahead of their own self-centered interests. If this is the case, this hierarchy of values is even harmful in itself, insofar as every regulation resting on this assumption frustrates the important interest of citizens of being considered serious moral beings. The protection of consumers from harms should not be arbitrarily restricted to physical harms: their integrity encompasses their safety, their health, *and* the moral quality of their choices and no aspect takes obvious priority over the others.

A similar case can be made for religious or cultural labeling. Some firms label the conformity of their products to specific religiously-based guidelines of production (e.g., Islamic or Jewish prescriptions), thus intercepting the interests of religious consumers. Although this kind of labeling is not mandatory, there is a duty to label truthfully products as for their fitness to cultural expectations. Cases of fraud harm religious people, *even if they do not get to know it*: they have not only been cheated, but they are also not being the kind of religious agents that they wish to be.

This would translate also to the case of environmental labels, although in both cases the argument depends on the crucial assumption that the problem of misinformation is more than cheating and regards moral agency. Only if this is the case, we will have shown that consumers are harmed, not only when they are cheated, but also when they do not behave according to their moral views. We will then have provided a case for the duty to inform consumers about morally (i.e., environmentally) relevant information, and that this duty is grounded on the negative right of individuals not to be harmed. The point can be illustrated by means of a thought-experiment.³

Jack, who cares deeply about the condition of farmers in the developing world, works in a firm that provides fair trade products at vending machines, that he never fails to choose. However, his boss decides to quit the contract with the fair trade coffee retailer but forgets to change the labels on the vending machine, thus Jack thinks to be drinking fair trade coffee while in reality he is not.

Is there any reason to think that Jack is worse off than he could be as a result of his boss' sloppiness? Consider that Jack is not cheated—in fact the boss does not gain anything and did not forget the labels on purpose. Nonetheless we may think he is worse off than he could be. Firstly, to Jack, what matters is not simply what kind of person he *thinks he is* as a consequence of his acts. Rather, he cares about what kind of person he *is*. This is because our interest in our moral agency is not grounded on the pleasure that we gain from behaving according to our own moral standards, rather it is grounded on our moral agency *itself*. The welfare gain of behaving morally is not due to the resulting pleasure, it is rather due to behaving morally. Secondly, one might argue that what counts in moral agency is only motivation: since Jack by hypothesis has the right kind of motivation, there is no sense in which his moral agency is defective, and therefore he is not harmed because his interest in being moral is not frustrated. To put things differently: one might argue that consequences do not matter as for the moral quality of our choices. While we certainly admit that the strength of our intuitions in the moral phenomenology above depends crucially on the weight that we respectively attribute to motivations and consequences in the assessment of our moral actions, we maintain that no plausible ethical theory can deny any role to consequences.

Let us elaborate on this point. Consider the following case: I cooperate trustfully in the society in which I was born, e.g., by paying taxes and working for the good of my fellow citizens and receiving all the benefits that one gets from living in a functioning society. Chief executives in my state, however, decide to run a colony, in fact a very exploitative one. They also decide not to inform fellow citizens, most of which do care about fellow human beings independently from their nationality, and I am one of them. We argue that in this case I would be harmed, not only because I am cheated, but because I am not the kind of person I would like to be: I gain advantages and support from a framework of cooperation that I would deem exploitative if I was fully informed. We are not saying that, in this scenario, I would

³ We are freely inspired by Nozick's experience machine (1974).

be morally blameworthy: under several understandings of moral blame, I am not. Rather, we are arguing that my interest in my moral agency extends beyond motivations and blameworthiness and covers the *actual* consequences of my actions. I have an interest in my actions *not* resulting in moral wrongs. It is *better for me* if my actions do not result in wrongful things, even if I do not know it and therefore I am not blameworthy. Aside from imaginary scenarios, this is a plausible reaction to the discovery that certain practices which we sustained, for instance buying certain goods, do not fit our moral principles: we do not want to be persons whose actions result in wrongful consequences therefore we are not only sorry for what we were doing, but we also believe we were worse off than we could have been.

To sum up, we have argued that the duty to inform about ethically relevant features of products is grounded on the right of consumers to know the consequences of their own actions, that is, on their moral interests (we may call it “moral integrity”). In particular, the general right not to be harmed is violated as a consequence of consumers not being the moral persons they wish to be. If our argument works, we have been able to show that the duty to inform is a very strong one, and indeed that it rests on a minimal moral consideration that is hardly disputable: the harm principle.

Objections and Conclusion

The Right to Know does not Entail the Duty to Label

Let us assume that we have really shown that there is a right to know that rests on the negative right to integrity. The respective duty would be the duty to inform consumers about ethically relevant features of the products that they buy. Yet, so the objection goes, this does not translate easily into a duty to label, but at most in a duty to inform consumers *upon request* and truthfully. Indeed—and this applies to nutritional content as well—we label products only because we think that, if consumers are not informed, *they* would fail to maximize their own interests, that is, they would harm *themselves*. But the right to integrity certainly does not extend to self-inflicted harms: it does not justify paternalistic measures. Those who insist on negative rights are in fact typically the stronger enemies of paternalism: the harm principle is usually stated negatively as the limitation of protection of individuals from the actions of *others*. Therefore, although there is a duty to inform, it does not mandate labeling. There are good paternalistic reasons to label foods—and they apply to nutritional content as well—but they are not the kind of reasons that are grounded on integrity. This objection rests on the very plausible proposition that, although there is a serious harm involved in people failing to behave rightfully, the harm is caused only by those people to themselves. We believe that this is disputable: omitting information for the sake of profit renders producers responsible for the resulting harm. Consider an analogous case: producers have an interest in omitting the expiration date, because this would result in higher revenues. Yet the state mandates expiration dates on labels partly for paternalistic reasons - because if

people do not know that a food can be poisonous they may decide to consume it against their own interests - but also to protect the interests of consumers (their right to know) from the interests of producers. We have argued that the right to moral integrity is as important as the right to bodily integrity, which covers the case of expiration dates. Hence, there are non-paternalistic reasons even to mandate labels in the case of ethically relevant information. We are not claiming that *in general* omitting (in this case, omitting information) is just like acting positively so as to cause harms: we rather argue that, if the omission is based on a competing interest of a third party, as it is in the case of foods, then omission is indistinguishable from action.

Animal Welfare and Global Justice

The argument applies to other information that is relevant for moral choices. For instance, food may have been produced by exploiting farmers in developing countries or mishandling animals. Although this is not an objection to the argument here presented, it challenges the restriction of its scope to environmental information. We acknowledge that our argument does apply to these issues as well, although the content of labels regarding animal welfare or global justice raises serious complications that we cannot address here. In fact, whilst for environmental impact there are non-question-begging ways of publishing information (e.g. x kg CO₂ per y kg product), the specification of features that are relevant for global justice and animal welfare requires a selection of topics that is open to challenge; notice, for instance, that existing supererogatory labels on these issues are formulated in normative terms (e.g. “*fair trade*”). This is not, of course, a reason to deny that there is duty to inform about that information but rather that it is practically difficult to find a neutral way of describing ethically relevant features of foods in the case of animal welfare and global ethics.

Lack of Information is Endemic

The requirement of the duty is too demanding, indeed a lack of full information is endemic to situations of choice and probably unavoidable, moreover if the requirements of a duty are too demanding, they simply do not fall on anybody. As a reply, we point out that we have restricted the duty to inform to features of products that are likely to be relevant for the moral options of consumers: consumers do not need to know the whole history of products, at least not at levels of detail that are irrelevant for making choices on the bases of moral principles.

Distribution of Preferences

Hansen (2004) has argued that the distribution of values across consumers matters. In fact, labeling increases prices and there are reasons not to impose additional costs to everybody for the sake of a minority of consumers. While these reasons cannot in any case overturn a verdict that rests on a negative right, we may notice again that

the hidden assumption of this objection about the little relevance of moral principles for most people is uncharitable.

Neutrality

The state must be neutral and avoid commitment to specific moral views, especially those that are open to reasonable discussion, and that is why it mandates the publication of neutral health information but cannot mandate ethical traceability. Firstly, we have argued that this distinction itself is partial and depends on a hierarchy of citizens' interests that is disputable. Secondly, we restricted the mandate of labeling to environmental footprints because they can be couched in neutral terms. Thirdly, we are not arguing that some people with certain preferences due to specific moral views would be harmed if labels were not mandated: rather, we argue that everybody, whatever their moral views, would be potentially worse off.

Religious Guidelines

The argument applies to religious guidelines as well: for religious people are often very committed to their principles and therefore they would be seriously harmed if they consumed foods that have not been produced accordingly. Although this may be the case—and it would not undermine our case if it were—we want to suggest that the moral interests that ought to be protected must arise only from moral principles that can be subject to *public reasons* in the Rawlsian sense (1993): this does not exclude religious principles, but requires faith-based norms to be justified in terms that would be *intelligible* as arguments (if not accepted) by all fellow citizens. In Rawls, this requirement is grounded on reciprocity: we cannot ask people to comply with norms the justification of which they would not be able to understand. This limitation is plausible even in our context: mandating labels increases costs, and we cannot ask consumers and producers to bear this consequence if they do not understand the underlying *rationale*.

To whom Falls the Duty

Generally, everybody has a duty to act as to guarantee the respect of a right. However, causal involvement is salient in this case (as in others), and therefore the duty falls upon producers in the first place. Regulators must enforce this duty, by enacting specific laws and supporting a system (e.g., certifications) that makes enforcement possible. Individual citizens must be ready not to oppose these public regulations and sustain them, e.g., through taxation.

Other Proposals

Even though we are in debt with the previous analyses of Rubel and Streiffer (2004) and Beekman (2008), we want to add to the debate the argument from *harm*. We do not maintain that previous proposals are flawed—in fact we believe that they

succeed in building very solid cases for labeling. We suggest, however, that our case provides a stronger argument and an argument for a more extensive duty.

Our argument takes consumers seriously as moral agents and insist on the basic fact that their interests are not limited to physical integrity but extend to the moral sphere, which influences pervasively their preferences. In particular, we have claimed that consumers do not want that their choices result in wrongs: this would be harmful for them. The protection of consumers cannot be restricted to traditional safety concerns but must encompass ethical traceability. In this paper, we have argued that this is the case for the environmental footprints of foods but we are confident that a similar case can be developed for other products and other ethical aspects of their production, transportation, and consumption.

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