

## Articoli

# END HUNGER IN CALIFORNIA ACT OF 2024 (ASSEMBLY BILL NO. 1961): LEGAL STRATEGIES FOR FOOD AND NUTRITION SECURITY

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## ABSTRACT

With due proportions, hunger is an issue that affects vulnerable human groups in Europe, America, Africa, Asia and Oceania, that is, all over the world. Furthermore, it can also be considered a violation of the Human Right to Adequate Food, as established in International Human Rights Treaties and in domestic legal systems of various countries. Aiming to address this situation, California Assembly Bill No. 1961 (End Hunger in California Act of 2024) has introduced strategic mechanisms to ensure access to food for the vulnerable Californian population. In this context, this research aims to analyze the aforementioned legislative proposal, focusing on the identification of the innovations present in that normative proposal that could inform food public policies or food legislative solutions in legal systems of other countries where vulnerable population segments still experience violations of the Human Right to Adequate Food. Through a methodology combining documental,

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telematic, and descriptive research, two strategies were identified: (i) focus on combating food racism and (ii) focus on addressing food deserts.

**Keywords:** Hunger; Human Right to Adequate Food; End Hunger in California Act of 2024; Food Racism; Food Deserts.

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SUMMARY: 1. Introduction – 2. Assembly Bill No. 1961: End Hunger in California Act of 2024 – 3. A normative focus on addressing food racism experienced by highly vulnerable racialized minorities – 4. A normative focus on eradicating hunger by addressing food deserts – 5. Conclusion – Bibliography

## 1. INTRODUCTION

Food and nutrition security may be defined as the concrete realization of the Human Right to Adequate Food. It is characterized by the physical, social, and economic availability of, and universal, regular, and permanent access to, culturally acceptable foods of recognized quality (both in terms of safety and nutritional value) in sufficient quantities to meet dietary needs and food preferences, thereby enabling an active and healthy life<sup>1</sup>.

Whenever any element of the aforementioned concept is absent (such as a reduction in the quality or quantity of food, or uncertainty regarding the regularity of availability or future access to food) a situation of food and nutrition insecurity is identified<sup>2</sup>. Hunger, characterized by a condition of severe food scarcity, is considered the most extreme manifestation of food and nutrition insecurity<sup>3</sup>.

California is the American state with the largest gross domestic product, according to the Bureau of Economic Analysis<sup>4</sup>, estimated at \$3.8 trillion in 2023. Comparatively, if it were a sovereign country, California would have had the 5th largest economy in the world since 2017, behind only Japan, Germany, China, and the United States itself. However, California's wealth does not reflect the food and nutrition security of its residents: currently, 20% of the population experiences food and nutrition insecurity<sup>5</sup>, meaning one in five Californians is denied the fundamental right of access to sufficient quality food, continuously, without compromising other

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<sup>1</sup> United Nations (UN), *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, United Nations Press, New York City, 1999.

<sup>2</sup> W. Peng, E. M. Berry, *The concept of food security*, in: *Encyclopedia of food security and sustainability*, 2019, vol. 2, n. 1, pp. 1-7.

<sup>3</sup> J. M. E. Guerra, *Teoria Cúbica do Direito Humano à Alimentação Adequada: reflexões acerca do parâmetro de adequação, a partir de diplomas normativos e interpretativos internacionais*, in *Revista do Curso de Direito do UNIFOR*, 2025, vol. 16, n. 1, pp. 1-31.

<sup>4</sup> California, *California remains the world's 5th largest economy*, in *Governor Gavin Newsom*, 24.12.2024.

<sup>5</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, California Legislative Information, Sacramento – CA, 2024.

basic needs, based on dietary practices that enable the healthy reproduction of the human organism, thereby contributing to a dignified existence<sup>6</sup>.

Food and nutrition insecurity violates the Human Right to Adequate Food, an essential right to a dignified life, as stipulated in the International Covenant on Economic, Social and Cultural Rights<sup>7</sup>. According to Article 11 of this covenant, the States Parties recognize the right of everyone to an adequate standard of living for themselves and their family, including adequate food, and will take appropriate steps to ensure the realization of this right, recognizing the essential importance of international cooperation based on free consent. Likewise, recognizing the fundamental right of everyone to be free from hunger, the States Parties shall take, individually and, through international cooperation, the necessary measures, including specific programs to: i) Improve the methods of production, conservation, and distribution of food by making full use of technical and scientific knowledge, disseminating nutritional education principles, and improving or reforming agrarian systems to ensure the most efficient exploitation and utilization of natural resources; ii) Ensure an equitable distribution of world food supplies in relation to needs, taking into account the problems of both food-importing and food-exporting countries<sup>8</sup>.

Although the United States of America signed the International Covenant on Economic, Social and Cultural Rights in 1977, it has not ratified it<sup>9</sup>. However, the protection of the right to food is enshrined in various legal norms of the United States and California. Specifically, in California, at least four provisions of the Constitution of California<sup>10</sup> explicitly mention the term *food* and the right to food can also be inferred from the *pro homine* interpretation of Article 1 of the local constitution<sup>11</sup>, which states that all people are by nature free and independent and have inalienable rights, including the right to enjoy life and liberty and to pursue and obtain happiness<sup>12</sup>. It is impossible to enjoy life and liberty or obtain happiness on

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<sup>6</sup> K. Schroeder, A. Smaldone, *Food insecurity: a concept analysis*, in *Nursing forum*, 2015, vol. 50, n. 4, pp. 274–284.

<sup>7</sup> United Nations (UN), *International Covenant on Economic, Social and Cultural Rights*, United Nations Press, New York City, 1966.

<sup>8</sup> United Nations (UN), *International Covenant on Economic, Social and Cultural Rights*, *cit.*

<sup>9</sup> Food and Agriculture Organization (FAO), *The right to food around the globe*, FAO Press, Rome, 2024a.

<sup>10</sup> California, *Constitution of California*, California Legislative Information, Sacramento - CA, 1878.

<sup>11</sup> California, *Constitution of California*, *cit.*

<sup>12</sup> California, *Constitution of California*, *cit.*

an empty stomach. Furthermore, regarding existing norms related to the right to food, California has the *California Retail Food Code (CalCode)*, part of the *California Health and Safety Code (HSC)*<sup>13</sup>, which establishes, among other regulations, the requirements necessary for the installation and operation of food retail in the state<sup>14</sup>, with the aim of ensuring food and nutrition security for the population.

To enhance the block of norms aimed at protecting and realizing the right to food in that state, on January 29, 2024, State Assembly Members Buffy Wicks and Esmeralda Soria, both Democrats, introduced Assembly Bill No. 1961 (AB 1961), which proposed the creation of the End Hunger in California Act of 2024<sup>15</sup>.

The bill was vetoed on September 27, 2024, by California Governor Gavin Newsom, also a Democrat, under the allegation of significant fiscal implications and budgetary issues and thus did not become law<sup>16</sup>.

According to the Governor's veto message, California already has programs in place to address hunger, and the costs resulting from the approval of that bill would carry significant fiscal implications that were not originally included in the state budget. Such expenditures could jeopardize the preservation of investments in key areas such as education, health care, climate, public safety, housing, and social services, on which millions of Californians rely on<sup>17</sup>.

As evidenced, the rationale behind the veto rests predominantly on fiscal and budgetary grounds, with no substantive objections raised regarding the potentially beneficial nature of the normative guidelines contained in the proposed legislation. In this context, the present study offers a contribution to the broader discourse surrounding the urgency and necessity of enhancing legislative frameworks and public policy measures aimed at combating hunger.

In this sense, this article aims to analyze the text of Assembly Bill No. 1961, which sets forth the End Hunger in California Act of 2024. It focuses on identifying the innovative elements within this normative proposal that could inform food public pol-

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<sup>13</sup> M. L. Pinkerton, *Indiscriminate punishment of drug users: California Health and Safety Code Section 11550*, in *McGeorge Law Review*, 1978, vol. 9, n. 2, pp. 754–774.

<sup>14</sup> J. Abrams. *California Retail Food Code: A description of its development, purposes, benefits and significant points*, in *Journal Association of Food and Drugs Officials*, 2003, vol. 67, n. 4, pp. 76–106.

<sup>15</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>16</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>17</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

icies or legislative solutions in legal systems of other countries, particularly those where vulnerable population segments still experience violations of the Human Right to Adequate Food, similar to the 20% of Californians living in food and nutrition insecurity

To achieve this purpose, the research employs a methodology that is: i) descriptive, as it describes innovations identified in Assembly Bill No. 1961; ii) documentary, as it analyzes a document, namely the End Hunger in California Act of 2024 proposal, and iii) telematic, since the document under study is in digital format, stored in digital databases maintained by the state of California.

This study advances the hypothesis that the End Hunger in California Act of 2024 encompasses innovative legal mechanisms that may inform the development of food-related public policies or legislative solutions in the legal systems of other countries, particularly those in which vulnerable population segments continue to face violations of the Human Right to Adequate Food.

To verify this hypothesis, the method to be used involves a detailed reading and analysis of the End Hunger in California Act of 2024, extracting from this legislative proposal the strategic innovations aimed at eradicating hunger. Preliminary results have identified two innovations: i) a normative focus on addressing food racism found in the reality of food and nutrition insecurity among highly vulnerable racialized minorities, and ii) a normative focus on eradicating hunger by addressing food deserts.

The article is structured with an introduction, three development sections, and conclusions. The first development section explains the End Hunger in California Act of 2024, while the following two sections discuss each of the aforementioned innovations identified in the legislative proposal.

The research justification lies in the urgent need to critically assess the current set of norms structuring public policies aimed at addressing food and nutrition insecurity and eradicating hunger, considering that around the world, in 2023, approximately 733 million people experienced hunger, equivalent to one in 11 people globally<sup>18</sup>. If current trends persist, around 582 million people will suffer from chronic undernourishment by 2030<sup>19</sup>.

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<sup>18</sup> Food and Agriculture Organization (FAO), *Hunger numbers stubbornly high for three consecutive years as global crises deepen*, FAO Press, Rome, 2024b.

<sup>19</sup> Food and Agriculture Organization (FAO), *Hunger numbers stubbornly high for three consecutive years as global crises deepen*, *cit.*

Finally, it is worth noting that the source of this research is Assembly Bill No. 1961, which outlines the End Hunger in California Act of 2024 (terms that are employed interchangeably in the present study), and the theoretical framework upon which this source will be examined will utilize concepts and categories such as food and nutrition security and insecurity; hunger; food racism, food deserts and necropolitics, drawn from books and scientific journals.

## 2. ASSEMBLY BILL NO. 1961: END HUNGER IN CALIFORNIA ACT OF 2024

As mentioned earlier, although it did not become law, Assembly Bill No. 1961 introduced several strategic innovations that can be observed by legal systems of countries worldwide, as it conveys the public authorities' acknowledgment of the urgency and necessity of establishing programmatic norms aimed at overcoming hunger in local contexts.

The justification for the California bill highlights that one in five Californians experiences a reality of food insecurity<sup>20</sup> and that the lack of access to healthy and culturally acceptable food causes significant health, educational, and social issues, which burden society as a whole. Due to hunger, the vulnerable population segment ends up needing assistance programs managed by the public authorities and funded by taxpayers. In this sense, the bill's justification recognizes that hunger among the vulnerable population represents a significant financial burden on Californian taxpayers. For example, the justification states that health care costs associated with food insecurity cost California more than \$7 billion annually, more than any other state in the United States. Similarly, it points out that severe food and nutrition insecurity in childhood can impact a person's health and mental well-being for the rest of their life, leading to long-term academic and economic consequences<sup>21</sup>.

The justification for Assembly Bill No. 1961 also notes that California produces more food than would be necessary to feed the entire state's population, recognizing at this point that local food insecurity results from a physical, economic, and cultural failure in food distribution and access. Given these findings, the justification for the

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<sup>20</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>21</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

bill continues by stating that the state lacks an effective plan for realizing the Human Right to Adequate Food, meaning there is no public strategy to ensure access to adequate, nutritious, and sustainably grown food in all communities across the state<sup>22</sup>.

In its conclusion, the justification for the End Hunger in California Act proposal acknowledges that the state must support a process in which food system stakeholders will engage and collaborate at local, regional, and state levels to remove barriers to access to adequate, nutritious, and culturally appropriate food and to ensure a sustainable food system focused on food availability for all local communities<sup>23</sup>.

In the body of Assembly Bill No. 1961, to implement the hunger eradication strategy, the bill proposes an amendment to the California Welfare and Institutions Code (WIC), introducing provisions that create a master plan focused on food and nutrition security in California (referred to as the End Hunger in California Master Plan). One of the pillars of this master plan is the creation of a council (referred to as the End Hunger in California Master Plan Task Force), responsible for making recommendations regarding access to healthy and culturally acceptable food for all Californians<sup>24</sup>.

The End Hunger in California Master Plan Task Force will comprise 25 members from the public and private sectors, as well as the Tertiary sector, which includes private, non-profit organizations that seek collective benefits, although they are not part of the government<sup>25</sup>.

Public sector members of the End Hunger in California Master Plan Task Force will include representatives from the State Department of Food and Agriculture; the State Department of Public Health; the State Department of Education; and the Governor's Office of Business and Economic Development, among others. The private sector will include three farmers, at least one of whom has experience with issues affecting socially disadvantaged farmers or ranchers; two representatives of Native American, tribal, or indigenous groups; and two food retailers, among others. Finally, the Tertiary sector will include three representatives of labor organizations or community-based organizations representing workers in food-related

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<sup>22</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>23</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>24</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>25</sup> C. E. G. Silva, *Management, legislation and funding sources in the Brazilian third sector: a historical perspective*, in *Revista de Administração Pública*, 2010, vol. 44, n. 6, pp. 1301–1325.



areas, including, but not limited to, agriculture, food packaging, grocery, and human services programs; three representatives of state and local community nonprofit organizations that work with and advocate for food access, including individuals with expertise in urban agriculture, farmers' markets, and regional food systems; one representative of community organizations or non-profits with expertise in school food programs, after school programs, or summer meal programs; and three representatives of anti hunger organizations and county welfare administrators, including organizations that operate food banks, among others<sup>26</sup>.

The representative of the California Department of Food and Agriculture will act as the convener and chair of the End Hunger in California Master Plan Task Force, assisting the council in executing its tasks. The council will meet at least twice a year and may form ad hoc advisory committees to gather additional insights on specific issues related to strategies for ensuring access to healthy and culturally acceptable food for all Californians<sup>27</sup>.

The End Hunger in California Master Plan Task Force will address, among other topics: i) existing food deserts in California and the barriers faced by retailers and other food distributors in these sociology-geographic areas, developing strategies to maximize the participation of Californians eligible for federal food and nutrition program benefits; ii) recommendations for improving food access, including funding alternative food retail models, focusing on those that support local producers, non-profits, worker cooperatives, and local or tribal governments; iii) setting proposals and implementation mechanisms to ensure California can eradicate hunger, including objectives related to eliminating food deserts using various strategies to address urban, suburban, and rural food deserts and partnering with local and tribal governments—while respecting the sovereignty of California's indigenous tribes; iv) analyzing state programs currently investing in regional food systems, food access, climate-smart agriculture, and workforce development for the food sector, including data on how these programs can better address community gaps; and v) developing a strategy to ensure that food distribution and retail establishments in food deserts return profits and investments to local communities, employ local populations with fair wages and benefits, and prioritize purchasing food from local farmers<sup>28</sup>.

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<sup>26</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, cit.

<sup>27</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, cit.

<sup>28</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, cit.

### 3. A NORMATIVE FOCUS ON ADDRESSING FOOD RACISM EXPERIENCED BY HIGHLY VULNERABLE RACIALIZED MINORITIES

One strategic innovation of Assembly Bill No. 1961 is its focus on addressing food racism. The justification for the California bill points out that hunger disproportionately affects Californian population based on ethnic and racial markers, indicating that the economic and historical disadvantages faced by non-white communities—comprising Black, Latino, Asian, and especially Indigenous people—extend beyond lower wages, impoverished households, lack of infrastructure, or reduced purchasing power compared to the white population. The cycle of disadvantages faced by these non-white segments includes their prevalence in food and nutrition insecurity.

In this context, the explanatory statement of the End Hunger in California proposal indicates that 40% of Black families and 30% of Latino families are in food and nutrition insecurity, a higher percentage than white families in California<sup>29</sup>. Supporting these data, the justification for Assembly Bill No. 1961 notes that in Los Angeles County, 92% of Native American (indigenous) families live with food insecurity, making the indigenous minority in Los Angeles one of the most affected by hunger in the entire United States<sup>30</sup>.

Food racism should be conceived as one of the manifestations of structural racism, a social phenomenon that, according to Odoms-Young and Bruce<sup>31</sup>, can be defined as the totality of ways in which societies promote negative discrimination against certain social segments through discriminatory institutions whose actions mutually reinforce each other, forming an unjust system against the discriminated group, based on deeply rooted historical and contemporary policies and practices.

According to Guerra<sup>32</sup>, all the people experiencing food and nutrition insecurity should be considered vulnerable. However, within the vulnerable population, Black, Indigenous, and other marginalized ethnic groups constitute a highly vulnerable seg-

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<sup>29</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>30</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, *cit.*

<sup>31</sup> A. Odoms-Young, M. A. Bruce, *Examining the impact of structural racism on food insecurity: Implications for addressing racial/ethnic disparities*, in *Family & Community Health*, 2018, vol. 41, pp. 3–6.

<sup>32</sup> J. M. E. Guerra, *Protonormativas Brasileiras de Enfrentamento da Fome: Direito à alimentação, nutrição ou racismo alimentar?*, in *Revista Juris UniToledo*, 2024b, vol. 9, n. 1, pp. 1–27.

ment, with a higher prevalence of violations of the right to food and a significantly greater proportion of racialized individuals affected by hunger compared to white individuals.

The high vulnerability of the racialized segment often makes Black, Latino, Asian, and Indigenous individuals more frequent victims of hunger than whites, which can also be explained by other specific discriminations, such as poverty, unemployment, and incarceration policies, that disproportionately affect the racialized segment, making it more challenging for this group to have uninterrupted physical and economic access to culturally and health-appropriate food or to obtain it through dignified means<sup>33</sup>.

The relationship between vulnerable races and ethnicities and food insecurity is complex because it is based on intersectionality. It does not end solely with the violation of the right to food but, by challenging the understanding of other vulnerability markers, exposes that the most significant factors of food insecurity prevalence among highly vulnerable racialized groups revolve around the concentration of social and economic disadvantages within these segments<sup>34</sup>, creating a racialized vulnerability within the vulnerable segment or, in practice, subjecting highly vulnerable racialized individuals to food and nutrition insecurity at a much higher proportion compared to non-racialized vulnerable individuals<sup>35</sup>.

In the case of the California bill, one of the strategies adopted to address food racism was to mandate the participation of two representatives of Native American, tribal, or indigenous groups in the End Hunger in California Master Plan Task Force, the collegiate body mentioned in the previous section. This measure for this highly vulnerable segment is highly significant, as the bill's explanatory statement highlights that within the indigenous category, there is a concerning proportion of families subjected to food and nutrition insecurity<sup>36</sup>, a fraction possibly higher than other highly vulnerable groups, such as Blacks, Latinos, and Asians. The idea of having Indigenous representatives on the council responsible for managing public

<sup>33</sup> J. M. E. Guerra, *Protonormativas Brasileiras de Enfrentamento da Fome: Direito à alimentação, nutricional ou racismo alimentar?*, cit., pp. 1–27.

<sup>34</sup> A. Odoms-Young, M. A. Bruce, *Examining the impact of structural racism on food insecurity: Implications for addressing racial/ethnic disparities*, cit., pp. 3–6.

<sup>35</sup> J. M. E. Guerra, *Protonormativas Brasileiras de Enfrentamento da Fome: Direito à alimentação, nutricional ou racismo alimentar?*, cit., pp. 1–27.

<sup>36</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, cit.

policies related to hunger eradication demonstrates a normative concern to strengthen the identities and ancestries of this historically marginalized segment when realizing the human right to adequate food, addressing food and nutrition insecurity that disproportionately affects the Californian population based on discriminatory markers, including those of an ethnic-racial nature.

In line with the strategy of Assembly Bill No. 1961 to eradicate hunger through the confrontation of food racism, the End Hunger in California Act normatively establishes that the actions of the Californian public authorities to overcome food insecurity in that American state must be based on three principles: (i) geographical diversity, ensuring attention to urban, suburban, and rural areas; (ii) racial and ethnic diversity, ensuring the effectiveness of the rights of racial and ethnic communities disproportionately affected by food insecurity; and (iii) the identification and facilitation of stakeholder involvement in local initiatives addressing food insecurity and regional food systems.

Analyzing these principles, it becomes evident that California seeks to establish a series of positive discriminations, that is, to prioritize the allocation of resources and efforts to correct a historical negative discrimination of an ethnology-racial nature, promoting the participation of minorities in society, guaranteeing historically disrespected or overlooked rights in favor of these minorities, with the aim of fostering equity and advancing the rights of these historically discriminated groups. In the field of law and public policy, such measures are referred to as Affirmative Actions<sup>37</sup>.

In addition to the normative mandate to ensure the participation of minority groups, such as Indigenous peoples, in the collegiate body responsible for managing the public policy aimed at eradicating hunger in California, another manifest of the affirmative action outlined in Assembly Bill No. 1961 is the strengthening of local food systems as an alternative to the big food companies, which can be conceptualized as multinational corporations that dominate the global food and beverage industry, characterized by mass production and distribution of highly processed, packaged, and shelf-stable foods<sup>38</sup>.

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<sup>37</sup> P. Brest, M. Oshige, *Affirmative action for whom?*, in *Stanford Law Review*, 1995, vol. 47, n. 5, pp. 855-900.

<sup>38</sup> J. Clapp, G. Scrinis, *Big food, nutritionism, and corporate power*, in *Globalizations*, 2017, vol. 14, n. 4, pp. 578-595.

According to Tibério, Baptista and Cristóvão<sup>39</sup>, local food systems represent a set of interconnected activities where the production, processing, distribution, and consumption of food products aim to promote the sustainable use of a territory's environmental, economic, social, and nutritional resources. Recognized as a union of localized interests, local food systems strengthen relationships between the respective intervening agents, empowering communities.

Applying this concept in historically marginalized communities becomes a true social transformation tool, allowing for social benefits (through the reinforcement of cohesion in territories where low agricultural activity incomes encourage emigration and the possibility of promoting fresh, healthy, traceable products to end consumers); cultural benefits (allowing for diversifying product offerings and preserving traditional plant and animal production systems, promoting local community cohesion); economic benefits (adding value to local productions and broadening the spectrum of products offered at lower costs, given the elimination or reduction, for example, of transportation, mechanization of operations, or agrochemical use costs); and environmental benefits (enabling less polluting agriculture, transportation, and trade by favoring less intensive production systems based on resource conservation)<sup>40</sup>.

It is noteworthy how the normative recognition of food racism and the need to address it in the End Hunger in California proposal directly dialogues with the concept of necropolitics, coined by Cameroonian philosopher Achille Mbembe<sup>41</sup>, which refers to the organization of power where the state of exception becomes prevalent, subjecting lives to the power of death<sup>42</sup>.

In summary, necropolitics refers to the political and social power, orchestrated by state entities, aimed at segmenting which social groups should remain alive and which should die<sup>43</sup>. The materialization of necropolitics, through omissions and actions, allows the State to create, for example, risk conditions for vulnerable

<sup>39</sup> L. Tibério, A. Baptista, A. Cristóvão, *Sistemas agroalimentares locais e comercialização em circuitos curtos de proximidade*, in *Rede Rural Nacional*, 2013, vol. 3, pp. 1–6.

<sup>40</sup> L. Tibério, A. Baptista, A. Cristóvão, *Sistemas agroalimentares locais e comercialização em circuitos curtos de proximidade*, cit., pp. 1–6.

<sup>41</sup> Mbembe, A., *Necropolitics*, Duke University Press, Durham, 2020, p. 12.

<sup>42</sup> R. Predes, *Collateral life and death: notes on militarization and war on crime in Rio de Janeiro*, in *Mosaico*, 2019, vol. 11, n. 17, pp. 277–287.

<sup>43</sup> A. Mbembe, *Necropolitics*, cit., p. 13.

groups, establishing contexts of discrimination and inequality, exclusion zones, poverty pockets, and territories where death (including that resulting from hunger) are natural consequences of precarious living conditions. In this context, reversing food and nutrition insecurity for racialized, highly vulnerable, and territorialized social groups is, above all, reversing a scenario of necropolitics<sup>44</sup>.

Why does the focus on combating food racism present in Assembly Bill No. 1961 emerge as a strategic alternative for the objective of eradicating hunger in other legal systems around the world? The answer is simple: food racism, characterized by the prevalence of minority groups subjected to hunger, is a reality not only in California, in the United States of America but also in various other countries.

Citing a Latin American example of the practical manifestation of food racism, one can refer to the situation of the Black population in Brazil<sup>45</sup>. In this country, in 2022, only 35% of households whose heads identified as Black were in a situation of food and nutrition security, whereas in households whose heads identified as White, the percentage reached 53.2%. When comparing the realities of households headed by White individuals and those headed by Black individuals (the latter being historically marginalized minority groups), the prevalence of the latter in conditions of food and nutrition insecurity demonstrates that the Brazilian food vulnerability is, above all, guided by an ethnology-racial marker. In essence, this can be regarded as a clear case of food racism<sup>46</sup>.

Turning to a European example of practical manifestation of food racism, Romani population serves as another instance of an ethnology-racial minority facing food vulnerability in several European countries. In the context of food vulnerability, in Slovakia, the proportion of Romani households with children experiencing hunger is 12 times higher than that of non-Romani households with children. In Italy, the disparity is even more alarming: the proportion of Romani households with children experiencing hunger is 40 times greater than that of non-Romani households<sup>47</sup>. Again, the prevalence of the Romani minority in conditions of food

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<sup>44</sup> A. Mbembe, *Necropolitics*, cit. p. 16.

<sup>45</sup> J. M. E. Guerra, *Protonormativas Brasileiras de Enfrentamento da Fome: Direito à alimentação, nutricional ou racismo alimentar?*, cit., pp. 1–27.

<sup>46</sup> J. M. E. Guerra, *Protonormativas Brasileiras de Enfrentamento da Fome: Direito à alimentação, nutricional ou racismo alimentar?*, cit., pp. 1–27.

<sup>47</sup> European Union Agency for Fundamental Rights (FRA), *Poverty and employment: the situation of Roma in 11 EU Member States*, FRA Press, Vienna, 2014.

and nutrition insecurity is evident, confirming that the food vulnerability of the European Romani population is also guided by an ethnology-racial marker. In essence, this, too, can be considered a clear case of food racism.

With strategies such as the mandatory normative participation of Californian communities most subjected to food and nutrition insecurity conditions (notably Indigenous people) in forming the fundamental political will to overcome hunger, as well as ensuring in this political will the diversity of historically underrepresented ethnic and racial groups, and the possibility of altering the local reality through democratizing regular and continuous access to nutritious, health and culturally appropriate food, respecting the sociology-cultural peculiarities of each of these groups and, finally, the strengthening of local food systems, it is perceptible that the objective of eradicating hunger by addressing food racism, as stated in Assembly Bill No. 1961, can also guide the improvement of legislation in other countries.

#### 4. A NORMATIVE FOCUS ON ERADICATING HUNGER BY ADDRESSING FOOD DESERTS

Another innovation of Assembly Bill No. 1961 is defining a strategy to combat hunger by eliminating food deserts. In addition to the quest to eliminate food deserts, the End Hunger in California proposal establishes an objective of removing barriers to access to adequate, nutritious, and culturally appropriate food for the Californian population as a tool to ensure a sustainable food system and to make effective the Human Right to Adequate Food to the local vulnerable population.

The bill stipulates, when instituting the master plan for hunger eradication in California, that it is responsible for listing and mapping the food deserts in the state and, if unable to eliminate them entirely, developing an appropriate strategy for the local population. Master plan is also responsible for identifying existing barriers that hinder or prevent retailers and other food distributors from accessing areas recognized as food deserts.

According to Assembly Bill No. 1961, barriers to food access are based on, for example, lack of infrastructure for production, commerce, and distribution; shortage of capital for food production and the acquisition of relevant production inputs; labor shortage for production, transportation, and commerce; high real estate



costs for production, commerce, and distribution; legal requirements imposed by local or state regulations; limitations in the public transportation system; transportation costs for consumers; and food distribution costs, including storage and depot costs<sup>48</sup>. All these factors contribute to the final price of food and, when high, make food inaccessible or unaffordable for the population.

To address this situation, the End Hunger in California Master Plan is tasked with setting objectives related to eliminating urban, suburban, and rural food deserts and the indicators for meeting these targets, as well as establishing partnership strategies with local and tribal governments to eradicate hunger, with special attention to respecting tribal sovereignty in the indigenous segment. Finally, one of the master plan's objectives in addressing food deserts involves ensuring that public investments return to local communities. This return can occur, for example, by employing local labor in food production, distribution, and commerce, employing local populations with fair wages and benefits, and prioritizing purchases from local farmers<sup>49</sup>.

Although there are different understandings in the specific literature on the subject, Beaulac, Kristjansson, and Cummins<sup>50</sup> state that food deserts—a term that emerged in Scotland in the early 1990s—should be analyzed as areas characterized by the existence of populations relatively deprived of healthy and affordable food, which ultimately contributes to social disparities in diet and health, such as the prevalence of diseases like cardiovascular diseases, malnutrition, and even obesity.

In the realm of food deserts, it is interesting to note once again the alignment of the End Hunger in California proposal's objective and Mbembe's<sup>51</sup> concept of necropolitics. Food deserts are exclusion zones managed by the public authority against vulnerable human groups in a context of discrimination and inequality, where death, including hunger-related death, is a natural consequence of precarious living conditions. The strategy of Assembly Bill No. 1961 to identify and overcome food deserts and the barriers to accessing healthy food reflects California's fight to reduce and possibly dismantle necropolitics territories, reversing food and nutrition insecurity in environments inhabited by vulnerable social groups.

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<sup>48</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, cit.

<sup>49</sup> California Assembly, *Assembly Bill No. 1961: End Hunger in California Act of 2024*, cit.

<sup>50</sup> J. Beaulac, E. Kristjansson, S. Cummins, *A systematic review of food deserts 1966-2007*, in *Preventing Chronic Disease*, 2009, vol. 6, n. 3, pp. 1-10.

<sup>51</sup> A. Mbembe, *Necropolitics*, cit., p. 16.



The primary tool for authentic interpretation of the right to food established in Article 11 of the International Covenant on Economic, Social and Cultural Rights<sup>52</sup> is General Comment No. 12<sup>53</sup>, issued by the Committee on Economic, Social, and Cultural Rights of the United Nations High Commissioner for Human Rights in 1999. This document, as explained by Guerra<sup>54</sup>, establishes six structural principles of the Human Right to Adequate Food: i) Universal Availability; ii) Stability; iii) Accessibility; iv) Sustainability; v) Cultural Acceptability; and vi) Food Safety. Regarding the notion of food deserts, it is possible to establish a relationship with the violation of at least two of the six structural principles mentioned above: Universal Availability and Food Accessibility.

The Principle of Universal Availability is covered in paragraphs 4 and 18 of General Comment No. 12<sup>55</sup> and conveys the notion of food as a right for all, with structural normative instruments and public policies on food and nutrition security being guided towards poverty eradication and the realization of this right on a universal level<sup>56</sup>, ensuring that food is available in sufficient quantities and quality to meet the dietary needs of all human beings, free from any discrimination based on nationality, sex, color, race, language, religion, political opinion, birth conditions, or any other social condition that aims to harm or annul the enjoyment or exercise of the human right to adequate food<sup>57</sup>. Food deserts are spaces where food availability is not universal due to a social discriminatory marker, namely the fact that the population is located in poverty-stricken areas.

On the other hand, the Principle of Food Accessibility is addressed in paragraph 13 of General Comment No. 12<sup>58</sup> and has a dual nature, understood both economi-

<sup>52</sup> United Nations (UN), *International Covenant on Economic, Social and Cultural Rights*, cit.

<sup>53</sup> United Nations (UN), *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, United Nations Press, New York City, 1999.

<sup>54</sup> J. M. E. Guerra, *Entre a Fome e o Silêncio: Uma análise da jurisprudência do Superior Tribunal de Justiça atinente ao Direito Humano à Alimentação Adequada*, in *Revista de Estudos Jurídicos da UNESP*, 2024a, vol. 28, n. 48, pp. 135–156.

<sup>55</sup> United Nations (UN), *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, cit.

<sup>56</sup> J. M. E. Guerra, *Entre a Fome e o Silêncio: Uma análise da jurisprudência do Superior Tribunal de Justiça atinente ao Direito Humano à Alimentação Adequada*, cit., pp. 135–156.

<sup>57</sup> United Nations (UN), *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, cit.

<sup>58</sup> United Nations (UN), *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, cit.

cally and physically<sup>59</sup>. Economic accessibility means that the financial, personal, and family costs associated with purchasing food cannot compromise or threaten the satisfaction of other basic needs, such as housing, leisure, security, and transportation<sup>60</sup>. Physical accessibility means that ensuring adequate food should include minimizing physical and social barriers for vulnerable individuals. In this sense, food deserts, as areas of concentrated vulnerable groups, challenge public authorities to adopt special attention and, in certain cases, prioritize accessibility to food through affirmative actions<sup>61</sup>, which seems to be the objective of the California legislative proposal.

As mentioned, affirmative actions are characterized by the prioritization of resources and efforts to correct inequalities and promote the participation of minorities in society<sup>62</sup>. Considering that populations located in food deserts are food vulnerable minorities, an affirmative action in favor of these populations would encourage the installation of retailers and other food distributors in food desert regions. In this context, the prioritization of public resources and efforts would correct a socio-economic and geographic inequalities of human groups located in food deserts. This way, an affirmative action against food deserts will implement the Human Right to Food adequate for the population living in these areas.

Why does the concern with addressing food deserts, as outlined in Assembly Bill No. 1961, emerge as a strategic alternative for the objective of eradicating hunger in other legal systems around the world? The answer is simple: food deserts are a phenomenon observed not only in the United States but in practically every country worldwide.

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<sup>59</sup> J. M. E. Guerra, *Entre a Fome e o Silêncio: Uma análise da jurisprudência do Superior Tribunal de Justiça atinente ao Direito Humano à Alimentação Adequada*, cit., pp. 135–156.

<sup>60</sup> United Nations (UN), *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, cit.

<sup>61</sup> J. M. E. Guerra, *Entre a Fome e o Silêncio: Uma análise da jurisprudência do Superior Tribunal de Justiça atinente ao Direito Humano à Alimentação Adequada*, cit., pp. 135–156.

<sup>62</sup> P. Brest, M. Oshige, *Affirmative action for whom?*, in *Stanford Law Review*, 1995, vol. 47, n. 5, pp. 855-900.

In Latin America, food deserts can be identified in Brazil<sup>63</sup>, Mexico<sup>64</sup>, Chile<sup>65</sup> and Paraguay<sup>66</sup>. Citing a European example of food desert occurrence, in the mid-2010s, Slovakia had 198 municipalities (6.8% of the total municipalities in the country) lacking fixed stores dedicated to the sale of food. Consumers in these municipalities were often forced to purchase conventional food products outside their places of residence. These municipalities could be clearly classified as food deserts. A significant concentration of these municipalities was characteristic of eastern Slovakia. Food deserts defined in this way were less numerous in the capital Bratislava region and more numerous in the Prešov region<sup>67</sup>.

In rural areas across several European Union countries, food deserts (characterized by the difficulty of obtaining food and the existence of particular dynamics in food distribution in rural areas)<sup>68</sup> can be observed. Finland<sup>69</sup>, the Netherlands<sup>70</sup>, France<sup>71</sup>,

<sup>63</sup> O. S. Honório, M. C. Pessoa, L. H. A. Grato, L. L. Rocha, I. R. R. Castro, D. S. Canella, P. M. Horta, L. L. Mendes, *Social inequalities in the surrounding areas of food deserts and food swamps in a Brazilian metropolis*, in *International journal for equity in health*, 2021, vol. 20, pp. 1–8.

<sup>64</sup> S. Bridle-Fitzpatrick, *Food deserts or food swamps? A mixed-methods study of local food environments in a Mexican city*, in *Social Science & Medicine*, 2015, vol. 142, pp. 202–213.

<sup>65</sup> L. Landaeta-Díaz, F. Vergara-Perucich, C. Aguirre-Núñez, F. Ulloa-Leon, *Mapping Nutritional Inequality: A Primary Socio-Spatial Analysis of Food Deserts in Santiago de Chile*, in *Urban Science*, 2024, vol. 8, n. 3, pp. 1–16.

<sup>66</sup> M. Gartin, *Food deserts and nutritional risk in Paraguay*, in *American Journal of Human Biology*, 2012, vol. 24, n. 3, pp. 296–301.

<sup>67</sup> K. Bilková, F. Križan, *Mapping of grocery stores in Slovak countryside in context of food deserts*, in *Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensis*, 2015, vol. 63, n. 5, pp. 1633–1638.

<sup>68</sup> G. Ramos-Truchero, *From Food Deserts to Food Access: Methodological and Theoretical Considerations for Research in Sparsely Populated Rural European Areas*, in *European Countryside*, 2024, vol. 16, n. 3, pp. 500–512.

<sup>69</sup> N. Home, *Rural consumers' patronage behaviour in Finland*, in *The International Review of Retail, Distribution and Consumer Research*, 2002, vol. 12, n. 2, pp. 149–164.

<sup>70</sup> See W. M. De Vries, E. van der Veen, B. B. Bock, S. Christiaanse, T. Haartsen, *The perceived importance of facilities for rural citizen in Fryslân, the Netherlands*, in *Sociologia e Politiche Sociali*, 2016, vol. 19, n. 3, pp. 119–137 and J. Gieling, T. Haartsen, L. Vermeij, *Village facilities and social place attachment in the rural Netherlands*, in *Rural Sociology*, 2019, vol. 84, n. 1, pp. 66–92.

<sup>71</sup> S. Gojard, B. Véron, *Shopping and cooking: the organization of food practices, at the crossing of access to food stores and household properties in France*, in *Review of Agricultural, Food and Environmental Studies*, 2018, vol. 99, pp. 97–119.

Sweden<sup>72</sup>, Germany<sup>73</sup>, Poland<sup>74</sup>, Spain<sup>75</sup>, and Slovakia<sup>76</sup> are countries where it is possible to find food deserts. In these localities, in addition to the need for daily food reorganization by their residents, the challenge of obtaining food is further exacerbated by the progressive aging of rural populations<sup>77</sup>, representing an issue that must be urgently addressed by local public authorities.

The norms related to reducing food barriers and addressing food deserts in the California bill (embodied in the duty to map existing food deserts in California and the responsibility to identify and eliminate or minimize the barriers preventing retailers and other food distributors from accessing food deserts, both responsibilities of the End Hunger in California Master Plan) serve as concrete guidelines for public authority actions, minimizing discretion and virtually eliminating subjectivities of the agents involved, whose actions are now guided by a fundamental objective: to ensure food as a right for the vulnerable Californian population living in food desert contexts.

## 5. CONCLUSION

In light of the comprehensive analysis presented herein, it is evident that the study's objective was duly achieved, thereby confirming the initial hypothesis posited. Indeed, the End Hunger in California Act of 2024 encompasses innovative legal mechanisms that have the potential to inform the development of food-related public policies and legislative solutions within the legal frameworks of other nations,

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<sup>72</sup> J. Amcoff, *Food deserts in Sweden? Access to food retail in 1998 and 2008*, in *Geografiska Annaler: Series B, Human Geography*, 2017, vol. 99, n. 1, pp. 94–105.

<sup>73</sup> U. Jürgens, 'Real' versus 'mental' food deserts from the consumer perspective—concepts and quantitative methods applied to rural areas of Germany, in *Die Erde*, 2018, vol. 149, n. 1, pp. 25–43.

<sup>74</sup> M. Twardzik, K. Heffner, *Small towns and rural areas – as a prospective place of modern retail trade formats in Poland*, in *European Countryside*, 2019, vol. 11, n. 1, pp. 74–84.

<sup>75</sup> G. Ramos Truchero, *Dinámicas de abastecimiento alimentario en las zonas rurales españolas: resolviendo la comida diaria cuando faltan las tiendas*, in *Panorama Social*, 2020, vol. 31, pp. 87–100.

<sup>76</sup> See M. Hrivnák, P. Moritz, J. Jarábková, *Urban outshopping in rural Slovakia*, in *European Countryside*, 2023, vol. 15, n. 1, pp. 34–48 and M. Trembošová, I. Jakab, P. Forgáč, *Shopping behavior and access to food in the areas of Slovakia with dispersed settlements: A case study*, in *European Countryside*, 2023, vol. 15, n. 1, pp. 66–98.

<sup>77</sup> G. Ramos-Truchero, *From Food Deserts to Food Access: Methodological and Theoretical Considerations for Research in Sparsely Populated Rural European Areas*, in *European Countryside*, 2024, vol. 16, n. 3, pp. 500–512.

particularly those where vulnerable population segments continue to endure violations of the Human Right to Adequate Food.

Regarding the strategy to combat hunger through addressing food racism embedded within the lived experience of food and nutritional insecurity among highly vulnerable racialized minorities, this research reveals that the establishment of practical directives (such as the strengthening of local food systems and the mandatory reservation of seats for representatives of highly vulnerable racialized communities) ensuring the participation of ethnic-racial groups most susceptible to food and nutrition insecurity in collegial governing bodies responsible for safeguarding the right to food, emerges as a potentially efficacious measure in the teleology of overcoming racialized hunger.

Finally, the strategy aimed at eradicating hunger by confronting food deserts (territorial spaces characterized by the marginalization of populations from access to healthy and affordable foods and marked by social disparities in diet and health) also emerges as a potentially beneficial innovation aligned with the teleological goal of overcoming hunger.

It is important to underscore that, while these innovative strategies hold potential benefits, based on an inductive prognostic judgment, their direct transplantation to other countries must be approached with caution. Such transpositions risk overlooking critical contextual variables, including constitutional frameworks, participatory democratic instruments, the role of distinct constitutional rights, and diverse social and institutional contexts. Nevertheless, it cannot be disregarded that the Californian innovations may represent a valuable model to inform food policy and legislative solutions in other legal systems facing analogous challenges related to the pertinence of hunger and other forms of food and nutritional insecurity, thereby enabling the reevaluation of existing laws and public policies and paving the way toward a future free from hunger.

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