

These are 6 tactics Big Business uses to avoid tobacco, alcohol, junk food laws



A new report identifies six key strategies used by junk food companies and the alcohol and tobacco industries to avoid regulation.

In the summer of 2020, Indigenous residents of Oaxaca state in Mexico blocked roads to stop trucks from delivering processed foods and drinks to their communities. Weeks later, the government in the state, which has the [highest rate of childhood obesity](#) [1] in Mexico, banned the sale of junk food to minors.

But that grassroots-fuelled victory against junk food companies stands out at a time when industries that sell alcohol, tobacco and sugary drinks (known as SSBs for 'sugar-sweetened beverages') are getting increasingly effective at evading regulation.

A [new report](#) [2] released earlier this year identifies six key strategies used by all three industries:

1. Lobbying

Lobbying is the tactic most used to influence government policymaking and action. This includes not only the direct lobbying of government officials, but also indirect influencing via corporate social responsibility programmes and public-private partnerships.

The revolving door is one important avenue for lobbying. This refers to the back-and-forth movement of individuals between roles as legislators and regulators and as members of the (affected) industries. For example, after a SSB tax was adopted in Chile, "the National Association of Beverage Producers became A.B. Chile, and hired a former member of parliament and prominent politician to be its representative," found one study.

Policy capture refers to situations in which relationships between industry and government are so close that the former might provide draft legislation, as happened with [alcohol policy in Uganda, Malawi, Lesotho and Botswana](#) [3].

Donations to politicians, policymakers and political parties are notoriously common. They can go well beyond the political sphere with the funding of public health organisations, as has been documented in Mexico where [organisations receiving funding from Coca Cola](#) [3] have downplayed the effectiveness of sugar taxes.

2. Media campaigns

Media campaigns to influence voting on legislation are common. Brazilian legislation to tighten up on the marketing of tobacco products was held up by [a media campaign](#) [4] that proposed laws restricting freedom of choice and would affect small businesses.

3. Alternative solutions

Alternative solutions proposed by industry as voluntary codes of conduct are another popular way of reducing the pressure for legislation. Many countries, for example, have stopped short of legislation and have instead [voluntary codes for packaging on foods and drinks](#) [5].

Executive Director of the [Healthy Caribbean Community](#) [6] (HCC), Maisha Hutton, agrees that the three industries wield the same tactics. “Passed down from global transnational giants to regional and national industry actors, the same strategies are deployed to dilute, delay, and derail public health policy, and we know this is happening in the emerging markets of low and middle income countries and small island developing countries like those in the Caribbean.”

4. Challenging unfavourable science

All three industries finance research that supports favourable results. Studies funded by Coca-Cola invariably find no association of sugar drinks to diabetes, according to analysis in the [World Nutrition Journal](#) [7].

The industry-funded International Center for Alcohol Policies has commissioned and published many publications, including in-depth reviews of alcohol policy issues, journal articles, and policy guides. As these are not peer-reviewed, they “tend to highlight the health benefits of alcohol and omit evidence of its negative health and social effects.”

5. Creating a positive image

In Thailand, the domestic alcohol industry spent huge amounts of money on donations and sponsorships to the sports sector, including \$2 million annually from one company alone. The goal was to “to continuously imprint on the public consciousness the image of ‘corporate responsibility’ and to make people believe that alcohol drinking is not bad.”

Another strategy used by all three industries is so-called ‘issue framing’ — portraying alcohol use as a matter of personal choice and individual responsibility. A review of ‘responsible drinking’ campaigns found that, like anti-smoking campaigns developed by the tobacco industry, they “serve to soften public opinion and create the impression of a ‘socially responsible’ industry.”

6. Legal challenges

Tobacco giant Philip Morris Asia spent six years challenging Australia’s law on plain packaging of tobacco. The company lost its case in the High Court of Australia in 2012 and international challenges at an international investment tribunal (2015) and the World Trade Organization (2017). Yet Australia was left with a nearly \$40 million bill for defending its law at the tribunal alone.

Using a similar strategy, in Chile after the SSB tax was adopted in 2015 “TNCs (transnational corporations) have filed [several lawsuits](#) [8] against the Chilean State challenging the legality of restricting their trademarks, cases which are still pending.”

Vulnerable economies

Hutton adds that “identifying, preventing and managing conflicts of interest present significant challenges in our setting where, for example, small markets necessitate that one entity manufactures both healthy and unhealthy product lines. To complicate matters, these handful of corporate entities are major economic drivers in already vulnerable economies.”

According to the new report, “understanding how industries resist efforts to control them is important for public health advocates working to reduce consumption of and death and diseases resulting from harmful commodities.” The authors are researchers at Johns Hopkins Bloomberg School of Public Health in the United States and Germany’s Heidelberg Institute of Global Health.

The authors argue that the public health community must work harder to agree to a united approach to the issue of

engaging with industries. For example, the tobacco control community, as spelt out in the global treaty Framework Convention on Tobacco Control (FCTC), does not engage. The alcohol and SSB industries, however, “have been ‘privileged with high levels of participation’ within international public health organizations,” says the report.

Hutton agrees the lack of consensus “has resulted in vulnerabilities which have been and will continue to be leveraged by these industries. The FCTC has been very effective in defining the rules of engagement with the tobacco industry, and the impact of this strong global guidance is clear.”

No quick fix

“In contrast, ultra-processed foods and alcohol, industry actors have exploited this gap to their advantage. In fairness, however, this is an extremely complex area, and a one-size-fits-all solution will not work,” she adds.

The report calls for more evidence on how those two industries, in particular, have succeeded. “Given the escalating burden of NCDs, particularly in low- and mid-income countries, there is an urgent need to develop the evidence base of alcohol and SSB industry tactics.”

A second study by NCD Alliance (NCDA), [Signalling Virtue Promoting Harm](#) [9], found that industries took advantage of emergency situations during the COVID-19 pandemic to expand their activities.

One tactic saw industries seeking to link their products with the work of health professionals, emergency services and other frontline workers. For example, Red Bull Australia was thanked on social media by Lifeline Adelaide for the “surprise delivery [of energy drinks] to help keep our Crisis Supporters replenished as they answer calls for support.”

Gracias, says drinks maker

In Mexico, Coca-Cola honoured emergency workers with rapidly rebranded cans and bottles that said *gracias* and sported ‘commemorative’ signature red labels listing workers’ heroic professions.

According to the second study, the three other main strategies used by industry to grow their influence include,] corporate social responsibility programmes; shaping policy environments; and fostering partnerships with governments, international agencies and NGOs.

To gather information, NCDA ‘crowd-sourced’, collecting nearly 800 submissions from advocacy and research specialists in 90 countries. Almost 700 of them dealt with the alcohol and ultra-processed foods and drinks industries.

In the Caribbean, too, “the major negative economic impact of COVID-19 has strengthened the hand of industry, further deepening the power imbalance between industry and public health,” says Hutton.

“This was also on show recently after [Barbados announced its intention](#) [10] to double its SSB tax to 20%, and regional leaders in the beverage industry descended on the country united with local manufacturers to try to influence the government into delaying implementation. The attempt failed, but it illustrated the power of the industry and the extent to which they will go,” she adds.

For more on the topic of business resistance to tobacco, alcohol, and junk food legislation see our full interview with [Maisha Hutton](#) [11].

Post Date: Sunday, 29 May, 2022

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