

Chapter 11

Addictive substances and behaviours and corruption, transparency, and governance

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11.1 Introduction to addictive substances and behaviours and corruption, transparency, and governance

In the case of addictive substances and behaviours, well-being is predominantly associated with either the effect on individuals of the substances or behaviours or their impacts on society more broadly. However, this chapter is concerned with the ways in which corporate and policy actions, or inactions, have impacts on well-being which are both significant and under-appreciated. These are effects on policy-makers, policy decisions, the way in which they are implemented, and the ultimate consequences of these policies in terms of well-being.

11.2 Well-being

The idea of well-being has become increasingly more prominent in policy circles. Both the Organisation for Economic Co-operation and Development (OECD) and the European Union (EU) have been working toward the inclusion and measurement of well-being in policy-making (OECD, 2006; European Commission, 2014a). The concept of well-being in public policy is relatively straightforward; it involves taking account of how societal factors can be detrimental to individual well-being. Poverty, physical and mental health, social exclusion, limited employment and educational prospects, and other forms of social disengagement can all exacerbate the likelihood of dependence on substances or behaviours that can be harmful. Well-being is recognized as an important concept because it acknowledges the social as well as the individual factors underlying both harm and positive health. The OECD framework regards societal well-being as comprising three dimensions: quality of life, material conditions, and sustainability of well-being over time.

Governance attuned to well-being is thus an important component of well-being programmes. In our view it is important to ensure that this includes not just measures intended to directly improve well-being, such as conventional public health policies on tobacco, alcohol, or food, but also to focus on up-stream, indirect actions which affect well-being by making public health policies easier to implement and enforce. We focus here on increasing transparency and decreasing corruption, which can help to make sectional interests both more visible and less powerful. 'Addictive' industries, such as tobacco, alcohol, food, or gambling have enormous economic resources and use them to create and foster conditions to maintain and protect their business interests. The same industries are also increasingly involved in policy development and implementation—in a word, governance.

11.3 Governance in theory

Theoretical perspectives on governance increasingly recognize that the nature of governance relies on multiple actors, including corporate and economic actors (Rhodes, 2000; Kooiman, 2003). Kooiman (2003) argues that changes to the way states govern lead to an increasing reliance on external expertise in policy, while Vibert (2006) argues that the rise of what he calls the 'unelected' in systems of governance should be encouraged as the private sector will deliver services and have a positive impact on governance. Others fear that the rise of unelected economic and corporate actors, particularly in relation to public health, works to the advantage of corporations and to the detriment of public health and has the effect of exacerbating inequalities (Anderson and Baumberg, 2007; Miller and Harkins, 2010). Theoretical accounts accept that there are multiple actors involved in policy development; however, few have attempted to assess how these actors impact upon governance, policy, and ultimately well-being.

11.4 Crime, corruption, and institutional corruption

Not all crimes involve corruption and not all corruption is crime. Indeed the terms used to denote the phenomena are socially and politically constructed and historically variable. In other words, what is defined as illegal in a society creates crime in a straightforward way. This is important, because what is and what 'should' count as corruption in relation to addictive industries is subject to a continual struggle. We outline this, put it into historical context, and describe the main areas of corruption to which addictive industries might be said to be connected.

Crime, corruption, and indeed addiction are all subject to both scientific and policy debate and dispute. The history of the changing conceptualization of

addiction as a notion and the particular attachment of the notion to specific substances—cocaine, heroin, alcohol, tobacco, so-called ‘legal highs’—illustrates this very well (Anderson et al., 2010). Debates over whether sugar is addictive or whether obesity is a consequence of addiction illustrate the difficulties of defining addiction. Indeed, some argue that sugar and added sweeteners are addictive and should be subject to control in the same way as alcohol (Lustig et al., 2012). Alternatively, it has been argued that ‘since the human body does not become physically dependent on sugar the way it does on opiates like morphine and heroin, sugar is not addictive’ (Duchene, 2006). Ziauddeen et al. (2012) challenge the view that obesity and overeating can be described as addiction, suggesting that the application of a single model, in this case the model of addiction, is unhelpful at best.

If sugar was agreed to be addictive there would be serious implications for policy, research, and public health. These examples illustrate the contest over definitions of addiction across disciplines, substances, and behaviours. The concept of addiction is fluid and contestable and changes over time and as a result of increased knowledge and the level of political or policy debate.

We can think of the impact of the outcomes of these debates in two ways—definitional and material. Defining a particular substance as having particularly addictive or harmful effects to individuals or society is part of the process of delineating whether a ‘crime’ is committed in possessing, using, or trading in a particular substance. To put it most simply, policy and legal processes create criminality merely by creating laws that define existing conduct as criminal. Thus—in a recent example—users of mephedrone one day were indulging in a behaviour that was entirely legal, while the next day they were vulnerable to being defined as criminals by virtue of a change in the law (BBC News, 2010; Nutt, 2010). This is to say nothing of the effects that such a declaration has on existing conduct. This is a second and important way in which definitions produce changes in material behaviours. Thus prohibition of alcohol in the United States in 1920 created a whole new class of criminals, but the bootlegging industry that grew up in response transformed the way in which alcohol was produced, traded, and consumed. The involvement of organized crime is well known in that case. Similar issues are found in all other examples of substance use, and indeed in relation to other behaviours that might be subject to discussion as ‘addictions’ or ‘crimes’, such as gambling. Our approach, therefore, can be said to be relativist or constructivist at the level of epistemology in the sense that knowledge of the world is inevitably constructed by humans and is thus provisional. However, in the wider sense our position is ontologically anti-constructivist since we see both the material world (nature, economics, and social and cultural organization) as existing

independently of our understanding of it, as providing the circumstances in which we pursue knowledge, and as disciplining knowledge if we let it—and sometimes even if we do not (Miller and Reilly, 1995; Miller, 1998, 1999; Maxwell, 2008). Any attempt to understand the world, we contend, must be able to distinguish—at least analytically—between truth and fiction, between propaganda and communicative good faith. As Nick Crossley (2004, p. 89) notes:

A position which refused to acknowledge, in principle, a distinction between the force of good reasons and the effect of power, bribery or trickery would have no basis for critique . . . Furthermore, it would have no basis from which to speak of communicative distortion.

The question of communicative distortion is at the centre of many of the issues that come under the rubric of institutional corruption. The question of bias in science and the role of, for example, industry funding in this, the area of evidence-based policy, and the role of think tanks and lobby groups in policy-making all depend on notions of communicative distortion or bias.

11.4.1 Corruption and corporate capture

In line with the main focus of this chapter, the main forms of corruption that we will discuss in relation to addiction are those related to the political system. It is of course the case that corruption can affect the economy, but the extent to which this becomes a public issue is determined by how it is dealt with (or not) by the political system. Forms of corruption like bribery, fraud, and theft remain commonplace in some jurisdictions but the question of what constitutes corruption is itself subject to debate and dispute in society. Activities that tend to undermine the rule of law or of democratic processes may not be illegal, but they may have far-reaching consequences for the ability of addictive industries to pursue a market share in ways that harm public health. It is perhaps useful to describe this as ‘institutional corruption’, which has been defined by Lessig (2013) as:

a systemic and strategic influence which is legal, or even currently ethical, that undermines the institution’s effectiveness by diverting it from its purpose or weakening its ability to achieve its purpose, including, to the extent relevant to its purpose, weakening either the public’s trust in that institution or the institution’s inherent trustworthiness.

This is a reasonable starting point, but it does assume that institutions become corrupt as opposed to being corrupt at their creation, perhaps in a deliberate deception or ideological process. This can be argued to occur, especially when a large number of the institutions in a society have become institutionally corrupt (Robinson, 1998; Brown and Cloke, 2004; Miller, 2004).

The UK today is arguably affected by widespread institutional corruption, as one of the leading neoliberal societies on the planet along with the United States. Briefly, the process of neoliberalization is widely recognized to have been inaugurated by reforming market-friendly governments in the UK and United States from 1979 and 1980, respectively. Since then, most countries in the world have been progressively, if unevenly, affected. Neoliberalism has been defined by David Harvey (2005) as the 'doctrine that market exchange is an ethic in itself, capable of acting as a guide for all human action'. This definition is useful because it draws attention to the fact that neoliberalism is a doctrine as opposed to a description of how any given society functions. This is important because, first, societies adopt or adapt to neoliberalism in their own, uneven and sometimes unpredictable ways and, more importantly, because it signals that the doctrine is a way of explaining what is wrong with a society or a relationship in order to reform it, but it does not necessarily result or indeed intend to result in a set of social relations as envisaged or claimed by its advocates. Thus, the oft remarked gap between the advocates of the 'shrinking state' and the empirical reality of the need for a 'strong state' to sustain the 'free market' and defend neoliberal-inspired reform from the population (Gamble, 1994). The gap is produced in part because reality did not measure up to the theorist's ideas and because the doctrine is a means of pursuing certain interests—it is in other words ideological.

Practically speaking, in relation to corruption, neoliberalism transferred very significant property and resources from public hands to private, thus reducing at a stroke the potential for democratic control over the economy. The corollary was an increase in the power of private capital to make its own investment decisions. This power was increased by an attack across the Western world on the rights of workers to organize and defend their interests against those of capital (Leys, 2001). The subsequent waves of neoliberal reform including the contracting out of services, the marketization of government itself, the introduction of private finance into the public sector, and a myriad of other measures that also increased both the direct role of capital in (what had become) market decisions but also directly in political decisions (Crouch, 2004). Alongside this, both in the process of privatizing public assets and in dividing the spoils afterwards, there was a massive expansion of intermediary professions (lobbyists, accountants, consultants) that were used to pursue direct corporate interests in areas vacated or opened to competition by the public sector. We can highlight in particular the rise of public relations and lobbying consultancies. The UK was the most significant laboratory for this process because the United States had been a more market-friendly society for some decades, because the UK took a lead in neoliberal reform, and because of the importance

to emerging transnational business of London as a financial centre. In the period between 1979 and 1998 the public relations industry expanded 4.3 times in real terms (Miller and Dinan, 2000). The lobbying industry did exist before 1979, but it has expanded out of all recognition in the intervening decades (Miller and Dinan, 2008).

With PR comes the chronic inability of private and public institutions to communicate honestly (Dinan and Miller, 2007), and with the lobbying industry has come the hugely enhanced role of money in politics. Both have been at the cutting edge of undermining ethics and standards in public life and—consequently—in the perilous decline of public faith in formal politics as expressed in countless opinion polls and indeed in the UK in the precipitous decline after the turn of the century in the proportion of the electorate voting in elections (Miller, 2004). The widespread nature of the malaise has affected almost every single political institution in the UK in the past 5 years. We can list, for example, the banking crisis and the inability of the political system to deal with the endemic corruption of the financial institutions and their supposed regulators, the House of Lords, MPs' expenses, lobbying scandals, and police violence and corruption and collaboration with an out of control media system. This is not to mention the apparent endemic corruption and bloodshed that has accompanied the Western interventions in Iraq and Afghanistan—a bloody mess by any account. Social science struggles to keep up with the sheer scope of the issues. Scholars from a variety of perspectives have discussed the 'rise of the unelected' or 'post-democracy'. But, as if to illustrate our core thesis of the intrusion of corporate interests into every sphere of society, the first of these quotes is from the title of an academic (Vibert, 2006) who applauded the declining role of the elected in governance. Vibert is a co-founder and director of the free-market think-tank the European Policy Forum, which has received donations from the same conservative foundations that bankroll better-known think-tanks such as the Centre for Policy Studies—one of the original triumvirate of Thatcherite think-tanks (Powerbase, 2014a).

A key reason for using the term 'institutional corruption' as opposed to just a lot of corruption is that it is not just a question of specific individuals or firms bending the rules but that the whole political and economic system has been skewed by corporate interests in general. We describe this as 'corporate capture'.

How does this happen? We think that it is useful to discuss the impact of addictive industries on well-being through an understanding of corporate strategy. It is necessary to examine the breadth of corporate political activity in order to understand one element such as social responsibility or the question of bias in science. Rather than look at the influence on a particular policy or department, we start with the corporations and try and follow what they do. We

find that corporations are active in a wide variety of policy-relevant areas as well as in a number of arenas that, at first sight, might appear not to be centrally relevant to corporate political activity, such as social responsibility and relations with science or civil society and apparently arcane policy issues.

Policy and political decision making has always taken place at a variety of levels, but recent trends up to supranational governance and down to subsidiarity/devolution have created a range of new venues for decision making. Most obvious in Europe is the EU itself with its range of institutional forums and decision-making bodies. Large corporations differentiate their policy activities to target decision making wherever it takes place. As a result corporations attempt to act through a complex web of influence. They act directly, through trade associations (organized at national and transnational levels), and they engage with or fund a complex network of lobbying, public relations, legal, financial, and other consultancies as well as other ventures in civil society.

Here we will examine attempts to capture science, civil society, and policy, which are among the most important areas for addictions.

11.4.2 Science

Scientific expertise is a key resource for corporations. The tobacco industry successfully muddled the waters about the health effects of tobacco for 30 years (Holden and Lee, 2009). Similar tactics are currently being used by the food and alcohol industries (Brownell and Warner, 2009).

Such strategies involve more than ‘spinning’ science and encompass very wide-ranging attempts to skew the scientific evidence base and to manage the whole scientific enterprise. McGarrity and Wagner (2008, p. 10) describe the ‘tools for bending science’ as ‘shaping, hiding, attacking, harassing, packaging and spinning’—tools that encompass the entire range of the scientific process from funding science to attempting to undermine science that is not useful and from managing how science is reported and used in policy processes to attempting to influence scientific experts to influence both the evidence base and the regulatory and policy process (Krimsky, 1995; Kassirer, 2005; Mooney, 2006; McGarrity and Wagner, 2008; Michaels, 2008; Wiist, 2010).

These techniques of ‘corrupting’ science are said to have increased in recent years as a result of the increased importance of private finance in scientific research. Public funding for higher education in general and research specifically has been cut (Soley, 1995). In addition we have seen significant investment by the private sector in science-related areas, including especially those connected to biotechnology and genomics (Rose and Rose, 2012).

As a result, the effects of corporate funding and conflicts of interest in science have become a live issue in scientific debate. Some have maintained that the

sources of funding make little difference to science, or that declarations of interest escalate cynicism about the motives of scientists. Such views come from a variety of sources such as the UK's Science Media Centre. It says it is 'an independent press office helping to ensure that the public have access to the best scientific evidence and expertise through the news media' (Science Media Centre, 2014a). Its CEO Fiona Fox (2013) has argued:

while 'industry funded' is technically accurate it is also misleading and perhaps reveals as much about the bias of the critics . . . It is deeply insulting to an eminent scientist to suggest that an outside influence, financial or otherwise, would distort their scientific findings.

Similar views are to be found in the publications of the US-based American Council on Science and Health. It has argued that 'most conflicts of interest activists clearly have prior strong ideological commitments against markets and corporations' (Bailey, 2008). Colin Blakemore, former Chief Executive of the UK Medical Research Council, is reported as saying: 'the idea that because a scientist has some links with industry they are automatically tainted and evil is just ridiculous' (cited in Fox, 2006). In the addiction field some argue that conflict of interest declarations can stigmatize honest scientists. Even if bias exists it can be handled via peer review and replication of studies, they say (Gmel, 2010; Peele, 2010).

Whether it is ridiculous or insulting, or not, the question cannot be settled by rhetorical flourishes. Nor can it be resolved by pointing to the significant corporate funding received by the Science Media Centre or the American Council on Science and Health (Science Media Centre, 2014b; Powerbase, 2014b). It is, though, capable of being answered by science. An emerging literature on the effects of corporate funding on the findings of scientific studies suggests that there is a relationship between corporate funding and research findings. Babor and Miller (2014) cite more than twenty such studies. We can also note other studies on nutrition research (Lesser et al., 2007) as well as in drug trials (Jørgensen et al., 2006), all of which point in the same direction.

It is important to note that the significant role of corporate funding and potential conflicts of interest also have very significant consequences for the policy process, since the extent to which experts involved in policy processes have conflicts of interest and the extent to which they are disclosed, tolerated, or managed is a significant issue in policy, as we will see shortly.

11.4.3 Civil society

Civil society is also targeted by corporate strategy, which we define to exclude those organizations that are under the direct and open control of

business (such as trade associations and lobbying and PR firms). We therefore include only those that are not, or claim not to be, under direct control. This is obviously not a matter of a clear dividing line and we acknowledge the debate on the meaning of the term (Edwards, 2005). It is important to take this approach since one of the oldest corporate techniques is the creation of front groups—organizations claiming to be independent but actually controlled by corporations (Miller and Dinan, 2008). Such fake grassroots groups have been called ‘astroturf’ organizations (Anderson, 1996; Silverstein, 1996). In addition to astroturf groups there are a myriad of policy-active civil society groups that act indirectly or are partly influenced by the corporations. Again we can refer to this as the institutional corruption of civil society: in particular we can point to think-tanks, policy-planning groups, social responsibility ventures, and organizations set up to inform or manage the news media.

In the addiction field many of these groups have a science-related orientation. Some suggest that they are science-based organizations and they do not always disguise or fail to disclose their sources of funding. But some do. For example the British Nutrition Foundation, the European Food Information Council (EUFIC), and the International Life Sciences Institute (ILSI) all claim to be ‘independent’ or ‘science-based’ but all are corporate funded—a fact not always made clear (Chamberlain, 2010). It should be noted that the EUFIC is co-financed by the European Commission. All are also deeply involved in policy-making—in supplying experts for official committees and in revolving-door connections with regulatory bodies (Corporate Europe Observatory, 2011). The Center for Science in the Public Interest (2003) compiled a list of scores of similar organizations.

The rise of the think-tank has again been a widely remarked feature of the neoliberal period. While the earliest think-tanks go back to the beginning of the twentieth century there has been a very significant expansion of think-tanks in the past three decades, especially those devoted to ‘free market’ policies (Mirowski and Plehwe, 2009). Think-tanks are usually not so obviously funded by corporations and tend to describe themselves as independent research institutions, yet very few are open about their funding sources. Nevertheless some details about the links between the tobacco, food, retailing, and alcohol industries and two long-established UK-based market think-tanks are available.

The Institute of Economic Affairs (IEA) is the oldest market-liberal think-tank in the UK, coming into existence in the 1950s. The Adam Smith Institute was created some two decades later. Both refuse to disclose the sources of their funding, but both have recently been revealed to be multiyear recipients of funding from the tobacco industry (Doward, 2013; Tobacco Tactics, 2014a,b).

Subsequently it was revealed that the IEA is in receipt of funding from the alcohol and retail industries as well (Snowdon, 2014).

Corporate influence on the organizations of civil society is plainly quite significant, but a recurring problem in assessing both the extent and the importance of corporate influence is the endemic secrecy and lack of transparency about sources of funding.

11.5 Capturing policy

We have suggested that the attempt to capture varying arenas of debate and decision can be analysed separately, as we have tried to do here. But, of course, as we noted at the beginning, separating them, while analytically useful, is by no means a tidy process. The very extensive engagement of the corporations with science is intended to enable them to use science as a resource in policy capture. Civil society is a means for the corporations to see off the opposition of activist groups and the trades unions.

Policy capture of one sort or another is the ultimate aim of all the strategies outlined here and many others. As we have noted, this can be done directly or indirectly. The most obvious way in which corporations directly pursue their interests is via interaction with policy-makers either on their own account, via trade associations, or through lobbying consultancies. It is central to our argument, however, that this is buttressed and supported by the use they make of other domains—such as science and civil society.

Taking the example of the UK government's U-turn on the minimum unit pricing of alcohol we can see the way in which the alcohol industry variously attempted to mobilize science, civil society, and direct lobbying of government to undermine the policy. The industry funded a number of critiques of the Sheffield University modelling that underpinned the policy, mobilized think tanks, and met and communicated directly with government (Miller and Harkins, 2012; Gornall, 2014).

Policy capture is most obvious in institutions of partnership governance where government decision making or policy implementation is partially given over to private interests or to a mixture of private and civil society interests. Partnership governance has become popular in recent years—particularly in the addictions field with the creation of Change4Life and the Responsibility Deal in the UK and the European Alcohol and Health Forum and the EU Platform on Diet Physical Activity and Health at the EU level. Partnership governance erodes barriers between government and the private sectors and hinders the pursuit of social objectives that might challenge the perceived interests of business (Miller and Harkins, 2010).

11.5.1 Capturing policy and the revolving door

The revolving door is a significant problem across the Western world, as recognized by intergovernmental bodies like the OECD. It recognizes that these issues have become more acute in the neoliberal age:

New forms of relationship have developed between the public sector and the business and non-profit sectors . . . In consequence, there is clearly an emerging potential for new forms of conflict of interest involving an individual official's private interests and public duties. (Bertók, 2003, p. 3)

The financial crisis certainly helped to put on the agenda the extent of revolving-door connections between the financial services industry, government, and regulatory agencies. An OECD study found that the banks with the densest revolving-door connections had their headquarters in the United States, Switzerland, and UK. In the EU and the UK the means of regulating the revolving door is widely regarded in policy circles as inadequate (Miller and Dinan, 2009b).

The phenomenon of the revolving door refers to the movement of staff into and out of key policy-making posts in the executive and legislative branches and regulatory agencies. This can carry the risk of increasing the likelihood that those making policies are overly sympathetic to the needs (particularly) of business, either because they come from that world or they plan to move or return to the private sector after working in government. Four main routes through the 'revolving door' can be identified (Revolving Door Working Group, 2005).

The tobacco, alcohol, food, and gambling industries attempt to make sure that the people they retain to engage in lobbying and policy work have as much insider or specialist knowledge of the policy-making world as possible. That is why corporations themselves, as well as lobby firms and think-tanks, have helped to spin the so-called revolving door both ways, by sending their employees into government at the national or EU level on secondment or on a career path that may not gain them immediate advantage but on which they can later capitalize, perhaps when the former staffer returns to their employ or when a career civil servant leave the 'public service' to pursue the private interests of the industry (Miller and Harkins, 2013b).

We can conclude this section by noting that the problems of crime and corruption related to the illicit status of certain substances or the illegal status of certain behaviours can be most effectively targeted by redefining them as licit and legal. This will—at a stroke—abolish the criminality associated with possession and consumption. When allied with measures to ensure the quality of newly legal products, it will also in many cases reduce harm significantly. We will return to the question of the governance measures needed to reduce harm most effectively in Section 11.7.

In relation to licit products, the means of targeting the problems of corruption, and especially institutional corruption, are mostly different. With the exception of industry involvement in criminal practices such as smuggling, counterfeit goods, organized crime, and the like, the main way to target corruption is in reforms of the political system, either in general or specifically targeted at a particular sector of industry (Rowell and Cookson, 2000; Rowell and Bates, 2000).

11.6 Transparency

Transparency is often suggested as a solution to problems of corruption. It can be. But matters are more complicated since political and economic transparency can pull in different directions. In addition, enforcement is not always effective and transparency is not a panacea for appropriate governance of addictive industries with the aim of directly improving public health and well-being.

We can start by noting that addictive industries are not in general fully transparent about the science that they undertake or sponsor or the donations and contributions they make to political parties, civil society groups, or lobbying, PR, marketing, and advertising agencies.

11.6.1 Transparency in science

The ‘corruption’ of science is a significant issue in parts of the scientific community and has sparked a lively debate and evolving transparency guidance and rules in the medical and addiction journals. Journal editors have collaborated to deal with the challenges of potential conflicts of interest, including the Committee on Publication Ethics (COPE), the International Committee of Medical Journal Editors (ICMJE), and the International Society of Addiction Journal Editors (ISAJE). COPE was started in 1997 by a small group of medical editors but now has over 9000 journal editor members worldwide. The COPE code lists minimum standards which are focused mostly on transparency, ethical conduct, and conflict of interest (COPE, 2011). The ICMJE adds further detail specifically on conflict of interest noting that (ICMJE, 2013):

A conflict of interest exists when professional judgment concerning a primary interest (such as patients’ welfare or the validity of research) may be influenced by a secondary interest (such as financial gain). Perceptions of conflict of interest are as important as actual conflicts of interest.

[...]

Financial relationships (such as employment, consultancies, stock ownership or options, honoraria, patents, and paid expert testimony) are the most easily identifiable conflicts of interest and the most likely to undermine the credibility of the journal, the authors, and of science itself. However, conflicts can occur for other reasons, such as personal relationships or rivalries, academic competition, and intellectual beliefs.

The ISAJE adds the following kinds of financial interests: research funding, payment for lectures or travel, and company support for staff (ISAJE, 2013). Babor and Miller (2014, p. 342) note that academic work on the relation between declared interests and findings has ‘ironically [been] made possible in part by COI [conflict of interest] declaration policies instituted by the major biomedical journals.’

11.6.2 Transparency in civil society

Medical journals have led the way on conflict of interest guidelines, but the extent of compliance is uncertain. The presumption may be that the potential reputational damage faced by academic authors who fail to disclose relevant funding or who submit false statements is an adequate incentive to keep the system functioning. It is less clear, however, that such incentives worry authors from outside the universities—such as those in think-tanks and similar civil society groups. Two examples indicate the difficulties. First the case of the IEA which ‘has a policy of donor confidentiality’ (Snowdon, 2014). In a contribution to the *British Medical Journal* (BMJ) admonishing the journal for publishing an account of the influence of the alcohol industry on government policy, the IEA head of ‘lifestyle economics’, Christopher Snowdon declared only minor personal conflicts of interest. The BMJ requires authors to declare competing interests both ‘personal or organisational’. Snowdon’s statement could be queried on the grounds that his article itself admitted funding from the alcohol and retail industries and on the basis that the IEA has received multiyear funding from a variety of tobacco companies and has played a role in the tobacco industry’s well-documented attempts to create doubt about the health impacts of second-hand smoke and to influence the general way that risk is dealt with (Tobacco Tactics, 2014b). The opaque nature of IEA funding arrangements, and the apparent lengths that some think-tanks go to to disguise their funding sources, makes it difficult to accurately assess the extent of any conflict of interest (Miller et al. 2014).

A second example is that of the Democracy Institute which has collaborated with the IEA and other think-tanks to advocate industry-friendly messages on public health. The Institute which claims to have offices in London and Washington, DC appears to have no institutional existence as a company or a charity in the UK, in Washington, DC, or in surrounding states. It does not disclose donors and so it is unclear how—when its director Patrick Basham writes in the BMJ—his null claim of competing interests statement should be interpreted (Basham and Luik, 2008). His claim that he had been awarded a PhD turned out, when checked by the present authors, to be untrue. Journals like the BMJ do not have the resources to check the disclosure statements of all contributors,

which suggests that one of the weaknesses of current policy is that it depends on the honesty and openness of contributors. On the other hand it may be that journal transparency rules will need to move towards total disclosures from think-tanks and other similar bodies if proper assessments of conflict of interest are to be made. Even then transparency policies appear necessary but not sufficient to defend the integrity of science.

What would help would be enhanced transparency rules in civil society. These would make it easier for other domains—science, the media, policy-makers—to more effectively evaluate the role and conduct of think-tanks and other civil society bodies. The extent of the regulation of non-profits (known as ‘charities’ or non-profit companies in the UK, ‘association sans but lucratif’ in Brussels, and as tax exempt ‘501(c)3’ organizations in the United States) is variable. In no country is it an uncomplicated window on how funds flow from corporations and corporate-linked foundations to campaign groups, think-tanks, and a wide variety of other lobby groups. In the UK, for example, there is no requirement to disclose the names of large institutional donors to charities and the practice of disclosing where charities donate is uneven. The same is true in the United States. In the UK such records as are kept are held for only 7 years and then destroyed for legal reasons, making it impossible to track historical data. In other countries, Germany or Belgium, for example, the rules are looser and less information is available.

Think-tanks and other similar policy-related bodies in civil society are often reluctant to disclose their sources of funding and are unlikely to campaign for transparency in politics. Take the example of the IEA, the oldest market-liberal think-tank in the UK, which ‘has a policy of donor confidentiality’. It appears that some donors deliberately seek anonymity, indeed some go to considerable lengths to disguise their donations. In 1999 conservative funders created secretive US-based foundations—the Donors Trust and associated Donors Capital Fund (Mashey, 2012). These are described as ‘donor advised’, meaning that donors can, as the Donors Trust states, ‘keep your charitable giving private, especially gifts funding sensitive or controversial issues’ (Donors Trust, 2014). Since their creation the two bodies have given nearly \$400 million to support climate contrarianism and a range of other conservative causes. The ‘American Friends of the IEA’ received some \$215,000 between 2004 and 2010 from this source (Mashey, 2012).

In the UK a charity called the Institute for Policy Research (IPR) distributes resources to conservative think-tanks and similar groups. These include the IEA as well as other well-known neoliberal think tanks such as the Centre for Policy Studies, Open Europe, and Politeia (Powerbase, 2014a). However, in its annual report and accounts it does not reveal where the money comes from. It

is possible to trace the source of some of the money via other conservative foundations, which list donations to the IPR. But there is no way to link the donations from the foundations through to the ultimate destination with particular think-tanks, so which interests are funding which think-tanks remains obscure. We can note that one of the donors to the IPR is the Garfield Weston Foundation, which is controlled by the Weston family, owners of Associated British Foods a diversified international food, agri-business, and retail group including British Sugar plc, with global sales of £6 billion. Documents lodged with the UK Charity Commission reveal further donations to the IEA from the Garfield Weston foundation of £100,000 between 2005 and 2011. In addition the MJC Stone Charitable Trust gave the IEA over £50,000 between 2004 and 2011. It is associated with the former sugar and commodities trader Michael Smith.

These brief examples of the complexity of the funding of one think-tank suggest the difficulties in establishing, within current rules, how civil society organizations like think-tanks are funded and the possible need for further measures to open up the policy process.

11.6.3 Lobbying transparency

Lobbying transparency is one key mechanism adopted in a variety of countries to open up the political process. It has its longest history in the United States where the Foreign Agents Registration Act was first enacted in 1938 as a result of attempts by lobbyists acting for Nazi Germany to influence US policy. In 1946 the Federal Regulation of Lobbying Act was passed. Since then regulation of lobbying has spread to many other countries and has been progressively tightened in the United States as well as being extended to all 50 states in some form (Schuman, 2011). In the EU, lobbying transparency is a much newer phenomenon. No EU country has lobbying regulation comparable to that in the United States. Some European states such as Lithuania (2001), Poland (2005), Hungary (2006), Slovenia (2010), the Netherlands (2012), and Austria (2012) have introduced legislation. In early 2014 the UK passed a lobbying regulation bill of sorts for the first time. In the past 5 years the European Commission and the European Parliament have made tentative steps towards a lobby register, but so far this remains at the level of a voluntary register with no compulsion for lobbyists to join (European Commission, 2014b). Critics have charged that ‘all the signs emerging from the Commission are that they would prefer to retain their voluntary and “light touch” approach to lobbying regulation . . . the evidence presented in this report, clearly shows that the effectiveness of the voluntary register is unconvincing at best, and dismal at worst.’ (Arauzo et al., 2013, p. 3).

It is clear that moves towards transparency are being made across Europe, though in many cases these are gradual, voluntary, or limited. The experience in

the United States is that a relatively advanced system of lobbying disclosure can be a useful means for citizen interests to track the role of private interests and monitor conflicts of interest and corruption. However, it is also clear from the United States that transparency is no panacea for effective action to target social problems such as in the area of public health and addictions.

11.6.4 Transparency and the revolving door

Associated with lobbying transparency, though often dealt with separately, is the question of the revolving door. In the UK and EU the regulation of the revolving door is in its infancy, compared with, for example, the United States where there is a much longer institutional history of regulatory measures. In the United States, where more information is available, we can tell that 10 of the 21 lobbyists working for Diageo in 2013 previously held government jobs (Open Secrets, 2014). No such information is available in the UK or EU.

In the UK issues related to the revolving door are not regulated in any meaningful way. Instead there is the Advisory Committee on Business Appointments (ACOPA), which as its name suggests simply advises public servants on cooling-off periods or whether to take particular posts or contacts. It has no mechanism for monitoring compliance and no powers to sanction any breach of its advice. It is widely regarded as not fit for purpose (Miller et al., 2012). The most recent official enquiry on the revolving door, carried out by the Public Administration Select Committee, recommended in 2012 that ACOPA should be 'abolished' and ethics regulation placed on a 'statutory' footing (Public Administration Select Committee, 2012).

Moreover, critics charge that although the EU institutions have rules to govern the revolving door, they are 'weak and are not effectively implemented' (Clausen and Cann, 2011). On conflict of interest a similar pattern prevails. Take the case of the European Food Safety Authority (EFSA), which after heavy criticism, adopted in spring 2012 a new conflict of interest policy. Although having the effect of screening out 85 experts for conflicts of interest, one study (utilizing only data declared by the experts themselves) found that of those who had been passed by the new policy some 58.37% had at least one conflict of interest (Horel and Corporate Europe Observatory, 2013). In addition there are many cases of the revolving door between corporate funded groups such as EUFIC and ILSI and the EFSA (Corporate Europe Observatory and Earth Open Source, 2012). Reforms are under way; however, there remain inadequate mechanisms for gathering, monitoring, and managing conflicts.

One key implication is that much clearer advice and regulation of post-employment opportunities is needed. Much more transparency is also required about which offers are taken up and which rules govern them. In addition,

while the issue of conflict of interest is partly about recognizing the issue and making it public, a more significant question that many countries and the European institutions have not yet fully come to terms with is that of managing conflicts of interest to minimize them. That might mean prohibiting certain sorts of post-employment, increasing cooling-off periods, or being much more specific about what is allowed and what is not. Along with this there must be an effective and transparent way to monitor and evaluate compliance and sanctions for non-compliance.

A final point is that the EU has no locus in managing revolving-door processes in member states, just as member states have no locus in overseeing cases of EU officials moving to 'national' organizations.

In a world where the national/EU boundary is porous and 'national' organizations blur with transnational corporations and where some trade associations, such as the Scotch Whisky Association, operate at both national and EU-level, monitoring and management of conflict of interest have become more complex and the interaction between levels has barely been considered. Until it is effectively dealt with, the potentially negative impact of the addictive industries on the development of public health policies will be heightened.

11.7 Governance

The means of reducing harm is different in relation to licit products. It may mean additional or varied regulation of the product itself or its promotion or availability, as seen in differing strategies with tobacco, alcohol, gambling, and food.

Governance for well-being, though, is of crucial importance. It can help to make transparency effective by making it meaningful and enforcing the rules that do exist. However, governance for well-being would also need to take several steps beyond transparency for well-being to be enhanced significantly. This means taking direct and effective action against industries the activities of which cause significant harm to public health and well-being.

Such measures might include: regulating the availability of the product; who can buy it; how it is promoted; its price. Associated measures might include transparency measures as well as regulating access of industry representatives to policy or scientific information, meetings, decision making, etc.

11.8 Conclusion

In conclusion, a key consequence of our argument is that policy responses to enhance well-being should, in addition to comforting those afflicted by addictions or their effects, also focus on those economic and policy levers that can

have very significant effects downstream in terms of both individual behaviours and the wider societal impact.

To encourage well-being, it is necessary to take a determined public health approach to the regulation of products that are implicated in harms to health and well-being. However, if these policies are to be effective they must be supplemented with approaches that also focus on significant reforms to transparency. These must aim to protect the evidence base from corruption by vested interests, and open up of the work of lobbyists to public and policy scrutiny. But transparency will not be enough. Measures will also need to be taken to create a level playing field, to stop corporate actors engaged in the production of potentially harmful products from gaining privileged access to policy-making and to determinedly resist the phenomenon of corporate capture.

Acknowledgements

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Chapter 11

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