THE MILBANK QUARTERLY
A MULTIDISCIPLINARY JOURNAL OF POPULATION HEALTH AND HEALTH POLICY

Understanding the Commercial Determinants of Health

Milbank Quarterly Webinar
March 12, 2024

Panelists

- **Jennifer Lacy-Nichols,** The Melbourne School of Population and Global Heath
- **Nason Maani**, University of Edinburgh
- **Nicholas Freudenberg,** City University of New York, School of Public Health (moderator)

Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets

Holly Chung

The University of Melbourne

Katherine Cullerton

The University of Queensland

Jennifer Lacy-Nichols

The University of Melbourne

THE MILBANK QUARTERLY

WHY POLITICAL TRANSPARENCY MATTERS FOR HEALTH

(and climate & human rights)

JENNIFER LACY-NICHOLS

CENTRE FOR HEALTH POLICY

@JLACYNICHOLS

ACKNOWLEDGMENTS TO:

Holly Chung

Katherine Cullerton

The importance of lobbying transparency was highlighted to me when I attended the UN Conference of Parties (COP27) in Egypt as an observer last November. Companies and others must be open about which government policies they are supporting.

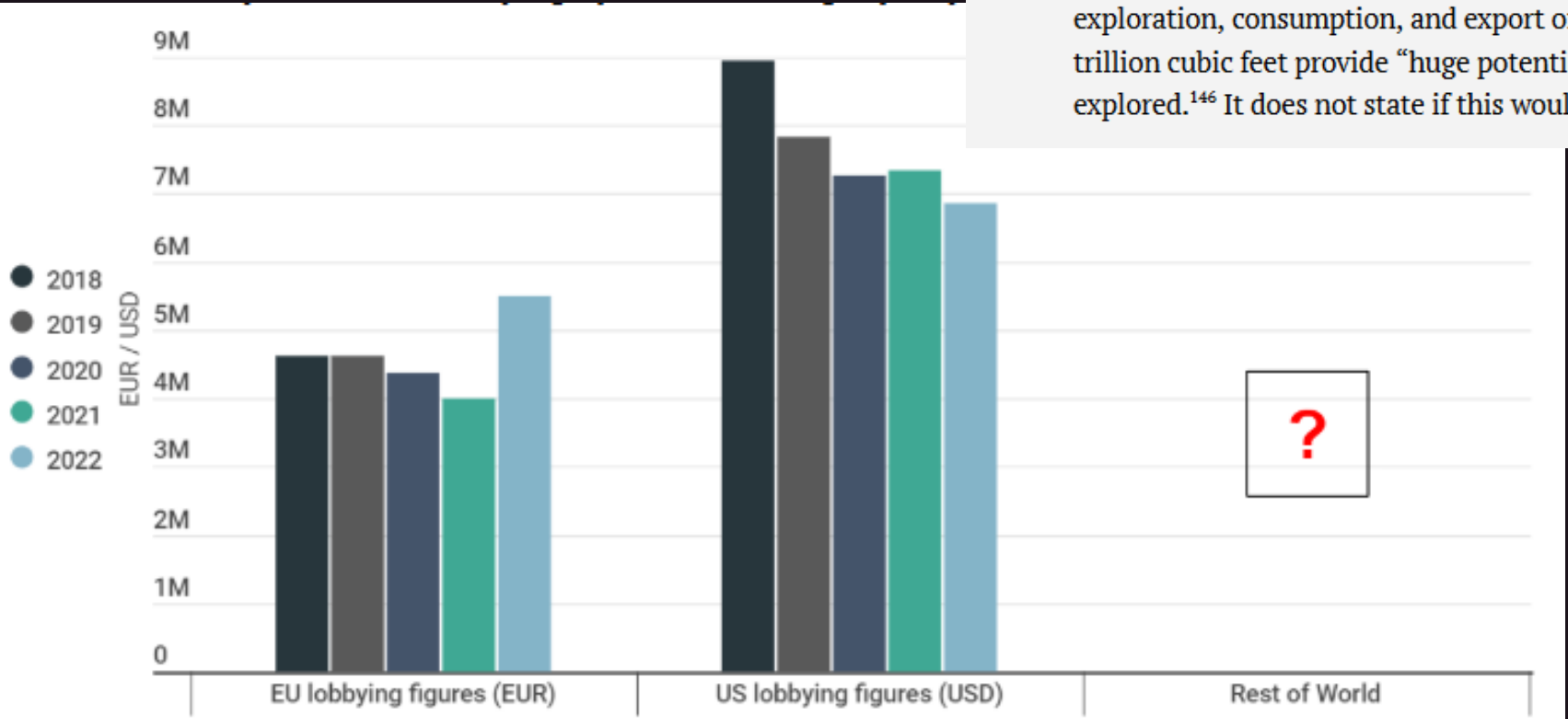
- Message from the CEO, Shell plc

https://reports.shell.com/climate-and-energy-transition-lobbying-report/2022/_assets/downloads/shell-climate-and-energy-transition-lobbying-report-2022.pdf

In Nigeria:

- Shell is an executive council member of the **Nigerian Gas Association (NGA).**[142] InfluenceMap rates it E+, highly misaligned with the Paris Agreement, saying it "appears to advocate [for] a long-term role for fossil gas in the energy mix."[143]

  ACCR notes that NGA's vision is "effectively advancing the role of Nigerian Natural Gas as the preferred energy source".[144] It claims to have successfully lobbied to increase exploration, consumption, and export of gas,[145] and Nigeria's proven reserves of 200 trillion cubic feet provide "huge potential for growth" and could be tripled if properly explored.[146] It does not state if this would be Paris aligned.



https://www.accr.org.au/downloads/accr_shell_inthedark_march2024.pdf

Calls for crackdown amid report gambling lobbyists 'wined and dined' minister Michelle Rowland

MP Monique Ryan wants tougher laws around lobbying of politicians, saying current guidelines are 'toothless and ineffective'

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2022 Federal election Candidate Return

Name:	ROWLAND, Michelle Anne
Party Name:	Australian Labor Party (N.S.W. Branch)
Electorate contested:	Greenway

Return Date	Return
21 Jun 2022	Original Return

The disclosure threshold for the 2022 Federal election is $14,500.

Total gifts or donations received:	$0
Total number of donors:	0
Total Discretionary Benefits Received:	$0
Total Electoral Expenditure:	$0

Details of Donations Received : Total $0

Australian retail lobby groups refuse to disclose amount of funding from tobacco and vaping industries

Representatives for convenience and grocery stores tell Senate inquiry details of any funding were commercial in confidence

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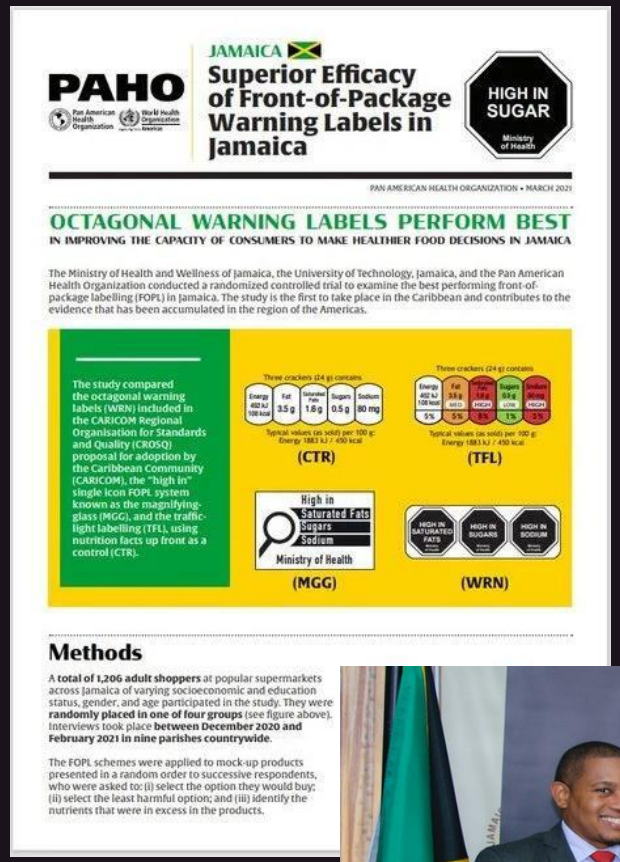
AACS
AUSTRALIAN ASSOCIATION OF CONVENIENCE STORES

OUR WORK | MEMBER CONTENT | MEMBERSHIP | EVENTS | NEWS | ABOUT US | CONTACT US | MY ACCOUNT

MEMBER LOGIN

JOIN AACS

PLATINUM MEMBERS	DIAMOND MEMBERS	EMERALD MEMBERS	OPAL MEMBERS	ASSOCIATE MEMBERS
$62,400 + GST	$39,439 + GST	$14,889 + GST	$7,763 + GST	$4,404 + GST



PAHO

Pan American Health Organization | World Health Organization

JAMAICA

Superior Efficacy of Front-of-Package Warning Labels in Jamaica

HIGH IN SUGAR
Ministry of Health

PAN AMERICAN HEALTH ORGANIZATION • MARCH 2021

OCTAGONAL WARNING LABELS PERFORM BEST

IN IMPROVING THE CAPACITY OF CONSUMERS TO MAKE HEALTHIER FOOD DECISIONS IN JAMAICA

The Ministry of Health and Wellness of Jamaica, the University of Technology, Jamaica, and the Pan American Health Organization conducted a randomized controlled trial to examine the best performing front-of-package labelling (FOPL) in Jamaica. The study is the first to take place in the Caribbean and contributes to the evidence that has been accumulated in the region of the Americas.

The study compared the octagonal warning labels (WRN) included in the CARICOM Regional Organisation for Standards and Quality (CROSQ) proposal for adoption by the Caribbean Community (CARICOM), the "high in" single icon FOPL system known as the magnifying-glass (MGG), and the traffic-light labelling (TFL), using nutrition facts up front as a control (CTR).

Three crackers (24 g) contains

Energy	Fat	Saturated Fats	Sugars	Sodium
400 kJ / 100 kcal	3.5 g	1.8 g	0.5 g	80 mg
5%	5%	9%	1%	3%

Typical values (as sold) per 100 g: Energy 1883 kJ / 450 kcal

(CTR)

Three crackers (24 g) contains

Energy	Fat	Saturated Fats	Sugars	Sodium
400 kJ / 100 kcal	3.5 g MED	1.8 g HIGH	0.5 g LOW	80 mg HIGH
5%	5%	9%	1%	3%

Typical values (as sold) per 100 g: Energy 1883 kJ / 450 kcal

(TFL)

High in
Saturated Fats
Sugars
Sodium
Ministry of Health

(MGG)

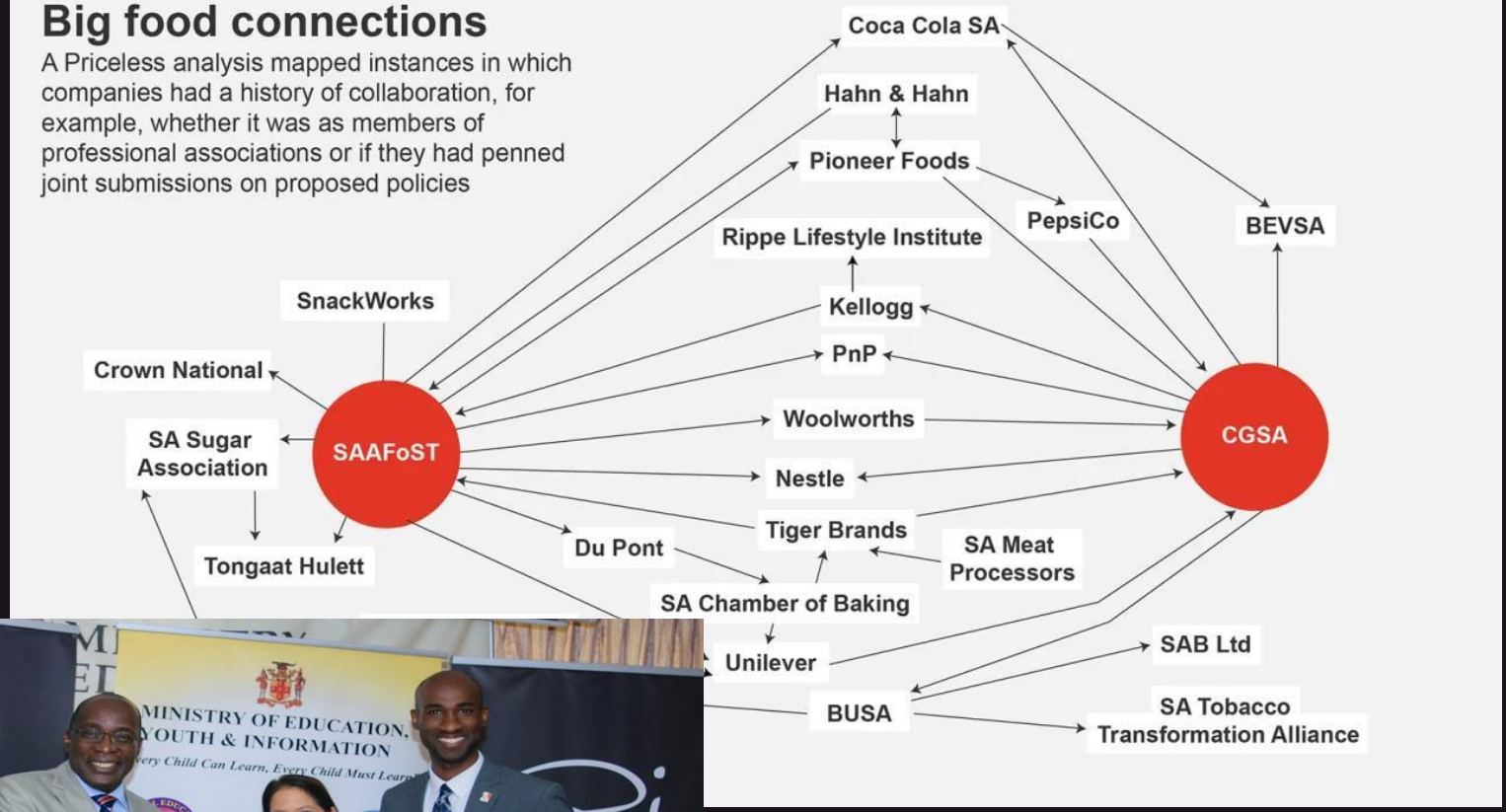
HIGH IN SATURATED FATS | HIGH IN SUGARS | HIGH IN SODIUM

(WRN)

Methods

A **total of 1,206 adult shoppers** at popular supermarkets across Jamaica of varying socioeconomic and education status, gender, and age participated in the study. They were **randomly placed in one of four groups** (see figure above). Interviews took place **between December 2020 and February 2021 in nine parishes countrywide**.

The FOPL schemes were applied to mock-up products presented in a random order to successive respondents, who were asked to: (i) select the option they would buy; (ii) select the least harmful option; and (iii) identify the nutrients that were in excess in the products.



Public participation subverted

Diaries:
% meetings w/ HI / compare by state
% HI type
leaderboard – ministers most meetings
Network – other attendees
leaderboard – industries most meetings / by state
Calendar – HI meetings / mo vs. Health / by state
Subjects – word cloud?
– portfolio group most meetings / compare by state
% HI Actor category (ind. vs. comm. ent).
% gov?
% w/ info – total, state/terr
Leaderboard – firms w/ most rev. doc.
" – lobbyist w/ largest record
freq. political party
freq. category
Leaderboard – firms w/ most lobbyists (proxy for size)
LOBBYISTS
NAME
LOBBY FIRM
GOVT. POSITION (specific, category, blank)
(POSITION category)
DATE END (cessation)
* ID = LinkedIn page?
LOBBYIST REGISTER
STATE/TERR/FED
LOBBY FIRM
OWNER
* How link same firm in diff. states? ABN?
PORTFOLIOS
STATE/TERR/FED
PORTFOLIO
(PORTFOLIO GROUP)
GOVT. EMPLOY
NAME
STATE/FED/TERR
PARTY
PORTFOLIO
DATE START
DATE END
MINISTERIAL DIARY
*MEETING ID
MINISTER NAME
DATE
ATTENDEE
SUBJECT
STATE/TERR/FED
PORTFOLIO
COMM. ENT. GROUP
NAME
(GROUP NAME)
e.g. AHA, AHA NSW
NAME
COMM. ENTITY
NAME (REG. vs. TRADING?)
ABN
ADDRESS
PARENT COMPANY (PC)
PC COUNTRY
(TYPE) (COMPANY, ASSOC., LOBBY FIRM)
(INDUSTRY) (GIS?)
(SIZE) (what source?)
Test Y/N Aus
→ ? Revenue last fin yr?
% Clients HI
leaderboard – firms used by HI
" – HI use by state
" – HI use by firm size
Network – who linked to HI
Type – comp. vs. assoc. for each industry
% Foreign vs. Aus
* longterm: top industry use of lobbyfirms (reg. proxy)
LOBBY CLIENTS
STATE/TERR/FED
NAME (FIRM)
CLIENT
DATE START
DATE END
? (reg. date proxy)
ATTENDEES CLEANED
ATTENDEE
(CATEGORY (IND., COMM. ENT))
(NAME ALIAS (E.G. TRADING NAME))
AEC DONATIONS
FIN YEAR
DATE
DONOR
RECIPIENT
AMOUNT
ASSOC. MEMBERS
* NAME ASSOC.
NAME MEMBER
CLIENTS CLEANED
CLIENT
TRADING NAME (OR REGO)
confirm if any individuals
RECIPIENTS CLEANED
RECIPIENT
(NAME PARTY)
(STATE/TERR/FED)
(CATEGORY (PARTY, ?))
DONORS CLEANED
DONOR
(CATEGORY (IND., COMM. ENT))
(NAME ALIAS (EG TRADING NAME))
CLIENT NAME
INDUSTRIES
GOVERNMENT
TOBACCO
ALCOHOL
GAMBLING
FOOD & BEV
HEALTH — SEGMENT?
↳ i.e. pub health vs. pharma vs. AMA
INDIVIDUALS
NAME ALIAS (EG. ROSLYN PACKER)
(INDUSTRY)
ID (LINKEDIN PAGE?)
Please save! In progress
Thanks :)
JLN 3/5/22

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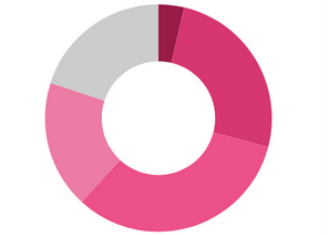
55 out of **97,403** meetings

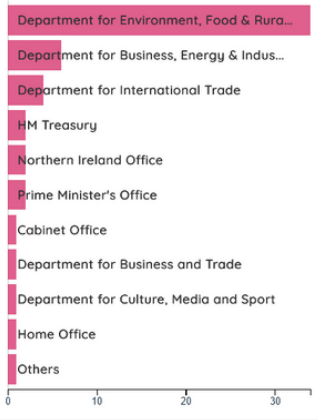
coca-cola

Reset

MINISTERIAL LEVEL



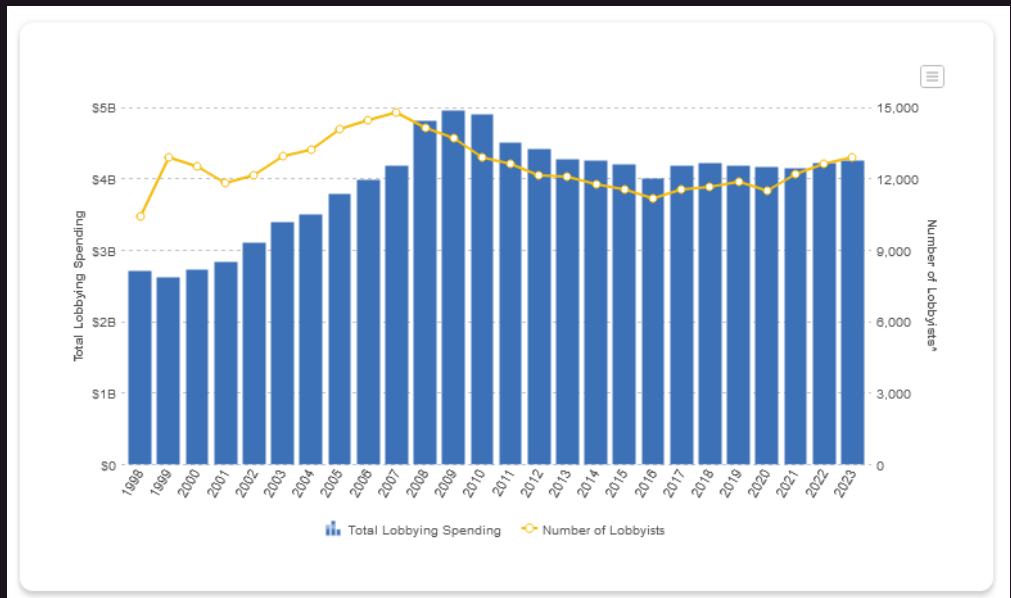
TOP 10 DEPARTMENTS



TOP 10 HOSTS

TOP 10 LOBBYISTS

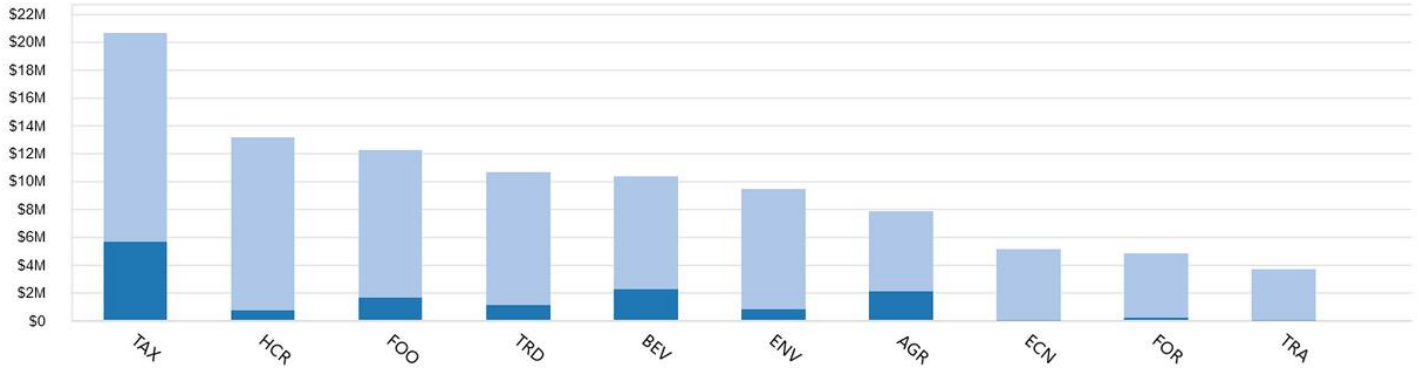
OpenSecrets — Following the Money in Politics



In House vs K-Street Lobbying

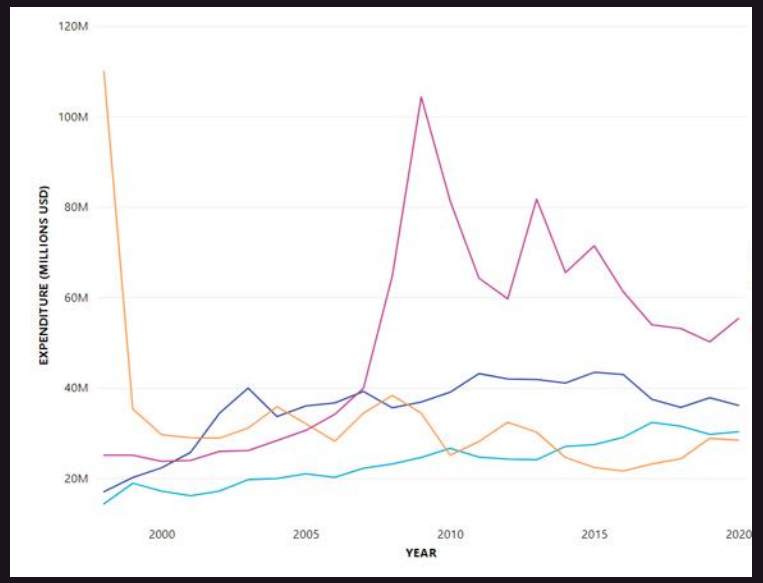
User Guide

☑ K-Street Lobbying ☑ In-House Lobbying



 # Issues to show: 10

7 36



TOBACCO

UPF

ALCOHOL

GAMBLING

Lines = amount spent

Bars = organisations

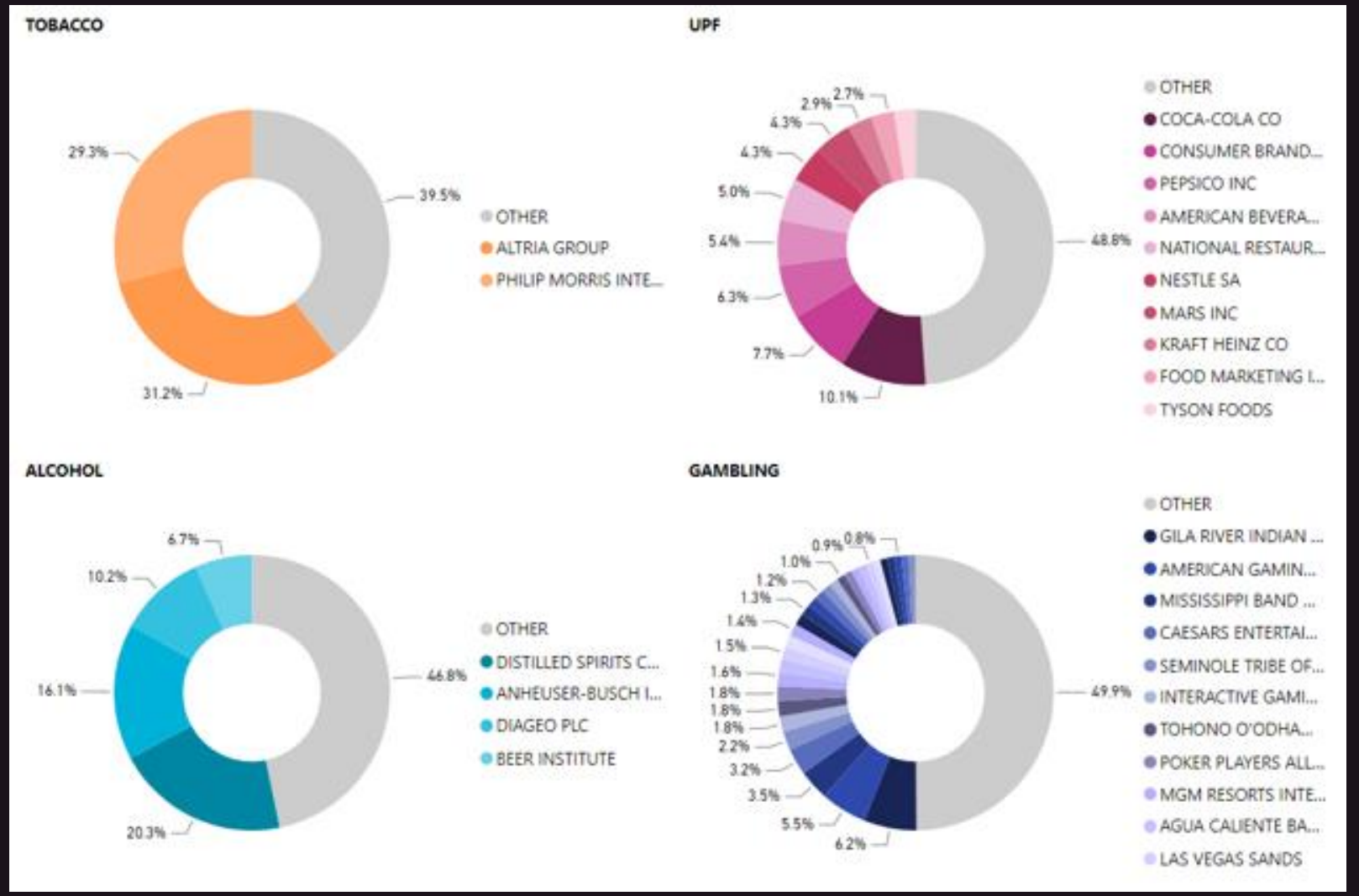
Chung, H, Cullerton, K & Lacy-Nichols J. 2024. Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets. The Milbank Quarterly.

86

109

462

351



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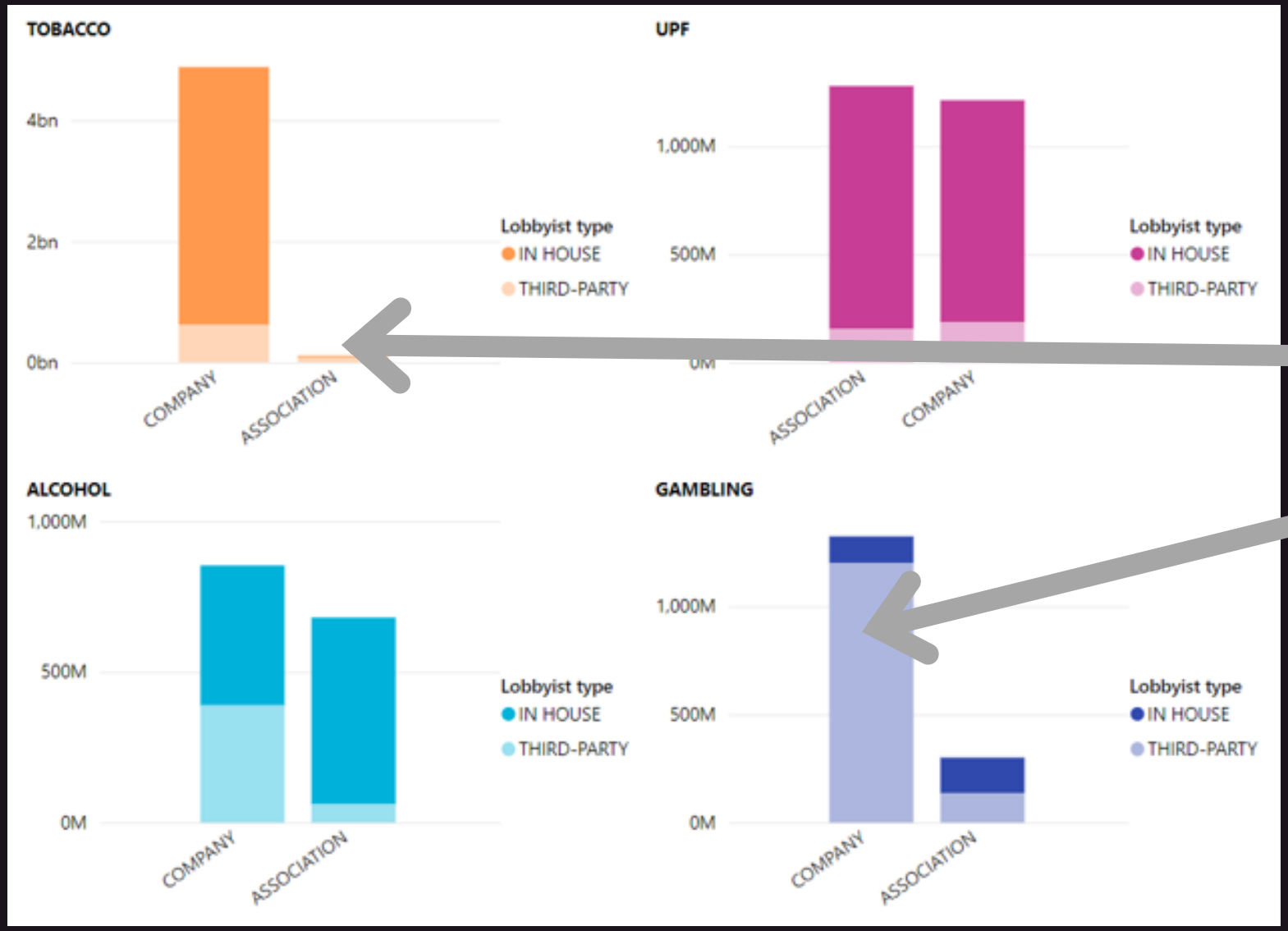


ONLY TWO GROUPS SPENT MORE ON THIRD PARTY LOBBYING

Chung, H, Cullerton, K & Lacy-Nichols J. 2024. Mapping the Lobbying Footprint of Harmful Industries: 23 Years of Data From OpenSecrets. The Milbank Quarterly.

PATTON BOGGS LLP
PHILIP MORRIS INTERNATIONAL
AKIN GUMP ET AL
ANHEUSER-BUSCH INBEV
INTERACTIVE GAMING COUNCIL
CONSUMER BRANDS ASSN
AMERICAN GAMING ASSN
HOGAN & HARTSON
COCA-COLA CO
COVINGTON & BURLING
NATIONAL RESTAURANT ASSN
DIAGEO PLC
PEPSICO INC
ALTRIA GROUP

We all want our governments to be accountable for how they make their decisions. The problem is that harmful industries can influence governments and hide it.

The Pitfalls of Ascribing Moral Agency to Corporations: Public Obligation and Political and Social Contexts in the Commercial Determinants of Health

Eduardo J. Gómez
Lehigh University

Nason Maani
University of Edinburgh

Sandro Galea
Boston University

THE MILBANK QUARTERLY

Considering Public Obligation and Political and Social Contexts in Commercial Determinants of Health

Dr Nason Maani

Lecturer in Inequalities and Global Health Policy

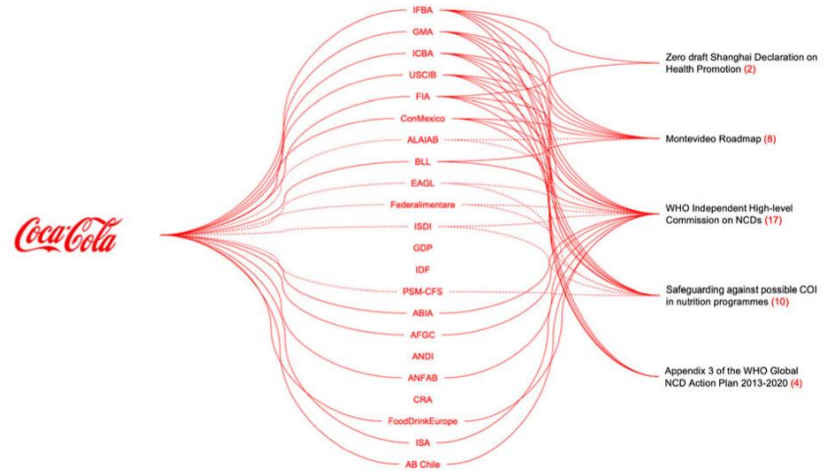
GLOBAL HEALTH POLICY UNIT

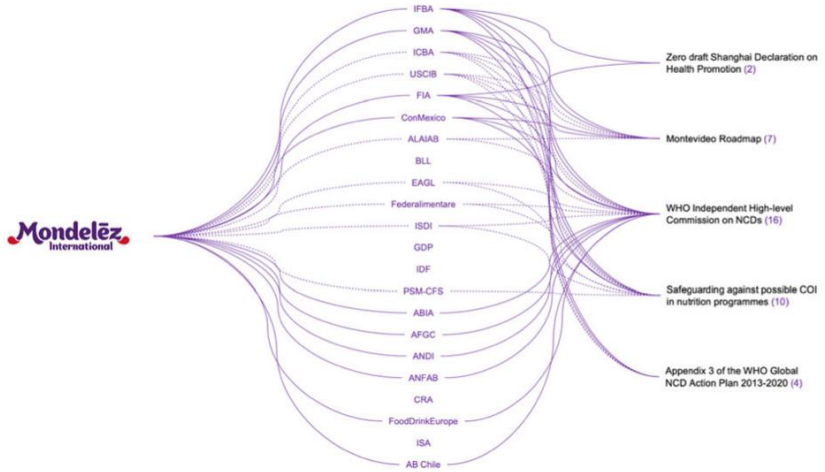
NEWS AGENCY
LG
NOVOTEL
THE LION KING
ICE & VICE
5%
STRAND
OLD NAVY

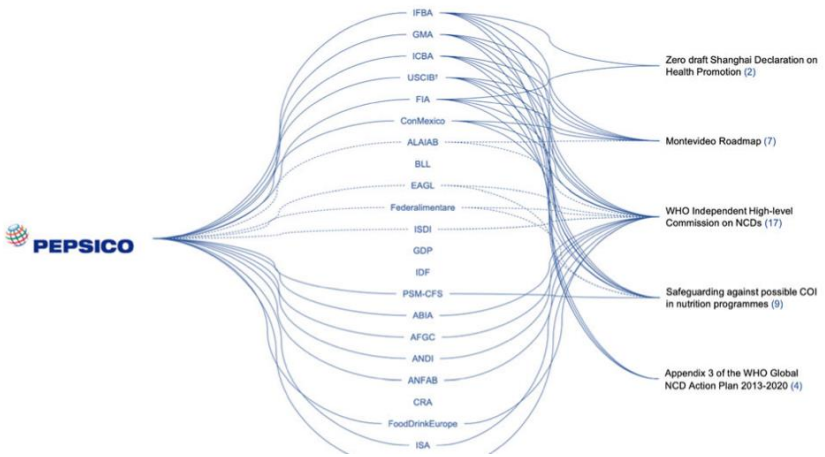
SOCIAL
FAKE NEWS

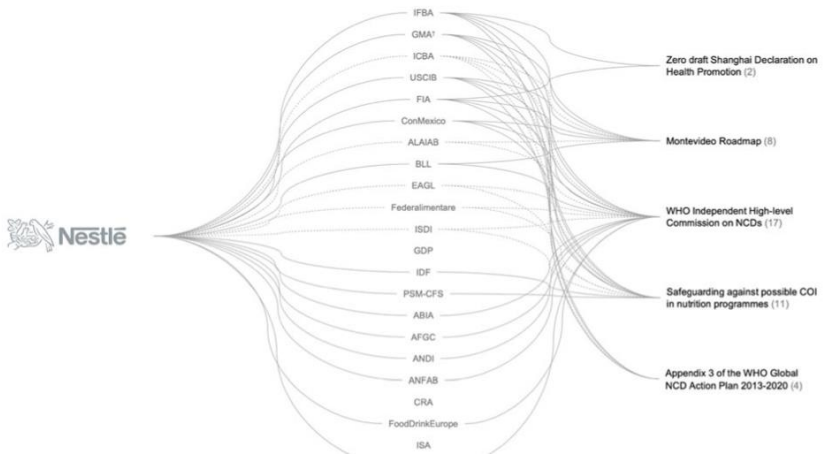
#ExxonKnew
GBR
BRITISH CYCLING
OFFICIAL PARTNER OF BRITISH CYCLING

Contesting framing of problems and solutions: Analysis of food industry framing in WHO consultations









Some commonalities in responses to WHO consultations:

- Regulation too simplistic
- Self-regulation preferable
- Restricting engagement harmful
- WHO overstepping mandate
- In some cases responses almost identical across a range of trade groups

1. Lauber et al. *Globalisation and Health* 2020;16,76

A range of government or industry-led initiatives claim a ”responsible business” mantle

IARD
INTERNATIONAL ALLIANCE FOR RESPONSIBLE DRINKING

BUSINESS COALITION FOR A GLOBAL PLASTICS TREATY

Business For Health

Launched in March 2011, the public health responsibility deal was been established to tap into the potential for businesses and other organisations to improve public health and tackle health inequalities through their influence over food, alcohol, physical activity and health in the workplace.

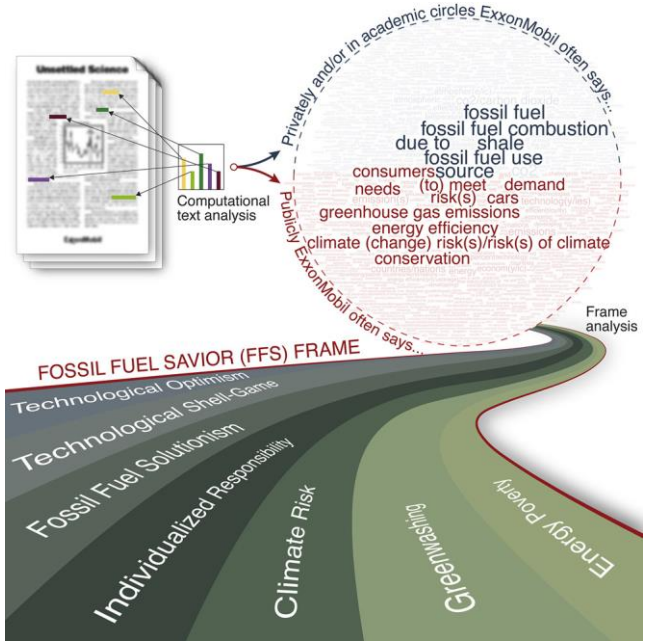
Department of Health & Social Care

Report 4/2022

The Business of Health Equity: The Marmot Review for Industry

by Institute of Health Equity, Legal & General

Harmful product manufacturers contest responsibility for harms



"*We are all to blame*".. "*demand driven*" Oreskes et al, 2021

"*Problem gambling is complex and is about the person not the specific product.*" Gala Coral, 2014

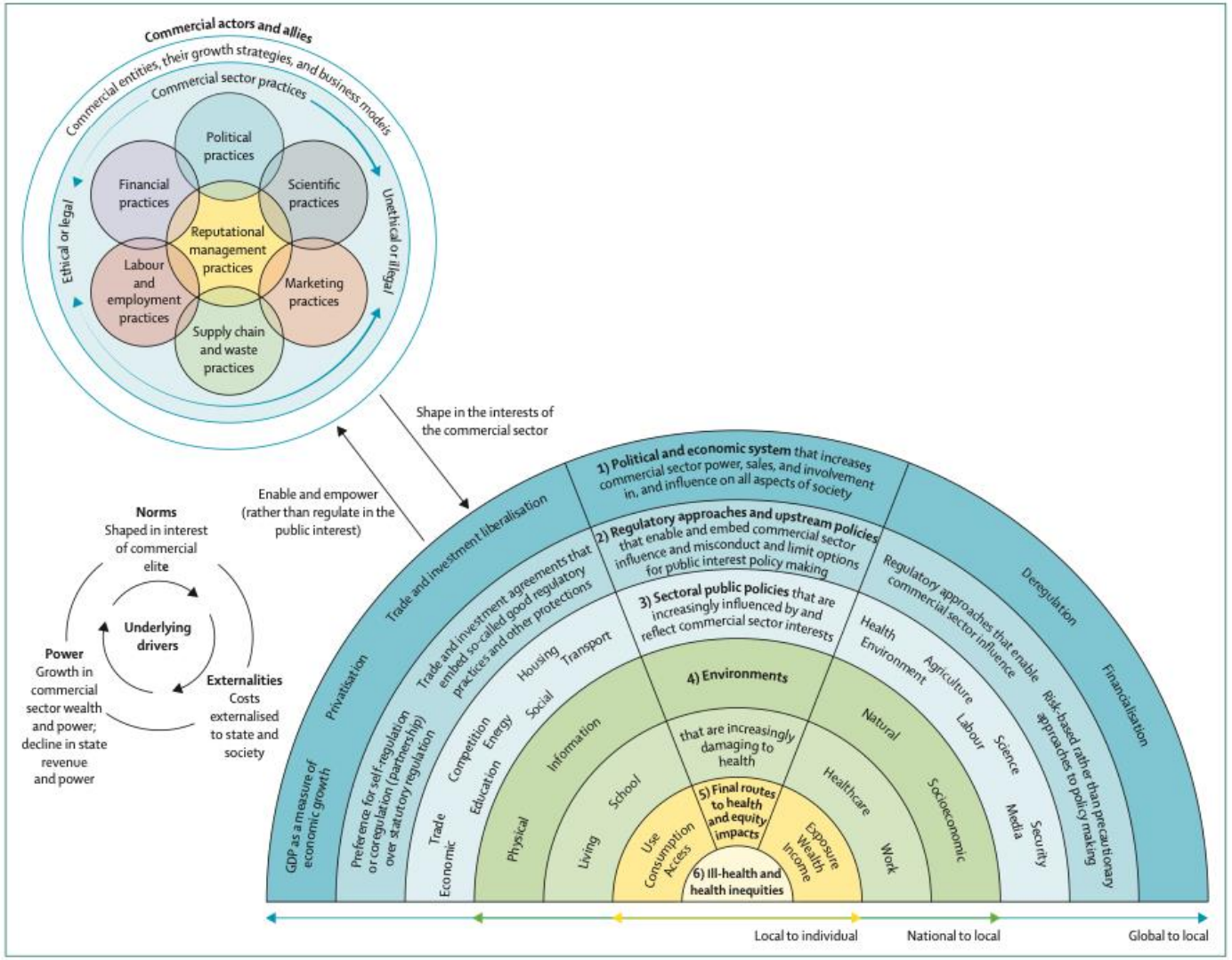
"*If all consumers exercised, did what they had to do, the problem of obesity wouldn't exist.*" PepsiCo CEO, 2010 interview

"*Our brands are made with pride, and made to be enjoyed—responsibly. Consumed moderately and responsibly by adults who choose to drink, alcohol can be part of a balanced lifestyle.*" Diageo US, Leadership in Alcohol in Society article, 2016

"*Lately, many Americans, myself included, have witnessed an erosion of personal responsibility.*" CEO of Daniel Defense, maker of the firearm in the Uvalde elementary school shooting, testimony, House Committee on Oversight and Reform

Challenge of ascribing moral agency

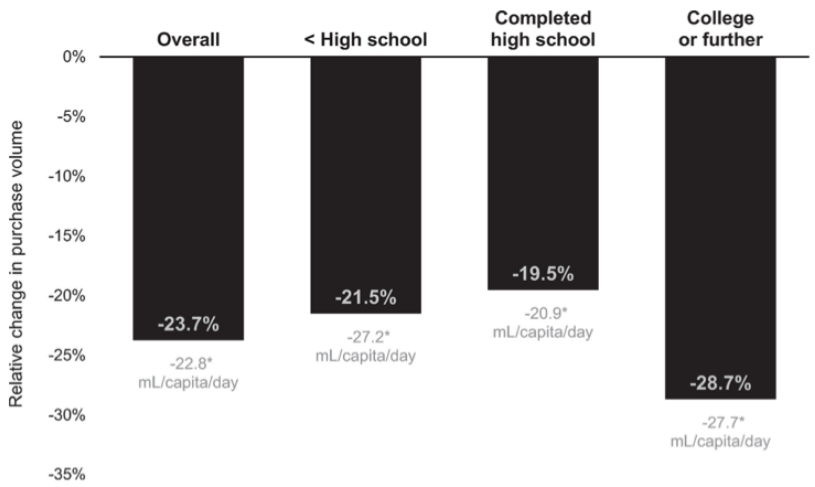
- Corporations operate within wider regulatory and economic systems
- Fundamentally driven by profit, competition and related goals Pitfalls of ascribing agency
  - Consistent with notions of social responsibility and partnership
  - Could distract from moral responsibility of society, governments
  - Could distract from meta-regulation



Gilmore et al. Lancet 2023; 401: 1194–213

Antecedent political conditions

- Examining political and social origins of institutions as a component in successful policy in relation to CDoH
- Moral responsibility as residing with policy-makers
  - Greater focus on revolving doors, partnerships and policy coherence
  - Making meta-regulation an explicit manifesto
- “To govern is to choose”



Mediano et al. IJERPH 2023;20(9):5700; Taillie et al. PLOS Medicine 2020;17(2):e1003015; Gomez et al. Milbank Quarterly 2023;0:1-15

Antecedent Social Conditions

- What shapes the rise of civil society's interests, incentives, and strategies for pursuing policies and laws that establish the regulatory institutions within which industries operate?

- How can civil society be supported, strengthened, and protected to hold policy-makers to account in changing the systems in which companies operate?

Gomez et al. Milbank Quarterly 2023;0:1-15

Summary

- Caution in ascribing moral responsibility to corporations
- Understanding political and social antecedents may provide additional insight into the upstream drivers of regulatory policies constraining industry policy influence
- This may help in efforts to re-balance power towards where moral agency lies and holding policy-makers accountable

Thank you

- Thanks to co-authors: Ed Gomez, Sandro Galea

- Funders: NIHR, Commonwealth Fund, Health Foundation, UKPRP SPECTRUM

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GLOBAL HEALTH POLICY UNIT

Thank you for listening