Institute for Policy Research

UNIVERSITY OF BATH

Innovative political strategies of tobacco companies aimed at undermining UK and EU health policy

About this research

Research conducted by the Tobacco Control Research Group at the University of Bath has examined the political strategies tobacco companies have developed to gain access to policy élites, exploit the political value of the specialised information under their control, and shape public health agendas. Tobacco companies constantly innovate in the techniques they use to influence policy that affects how their interests and activities are governed. The findings show that seemingly benign initiatives - such as Corporate Social Responsibility (CSR) programmes and the European Union (EU) Better Regulation agenda - have provided mechanisms for tobacco companies to progress their own interests and subvert public health concerns and priorities. As a result, the research stresses the vital importance of critically assessing and monitoring how such initiatives are used, in order to ensure balanced and effective policymaking.

Research findings in context: case studies of innovative tobacco corporation political strategies

Tobacco companies use various strategies to steer political decision-making and shape policy. Conventional practices involve lobbying; third party techniques, such as the use of Astroturf organisations and front groups; and corporate advertising. Innovation in political strategy tends to occur when traditional political activities lose their effectiveness. In such circumstances, companies respond by exploring new ways of maintaining their influence in policymaking. The Tobacco Control Research Group has produced case studies which reveal how tobacco companies employ different strategies in various contexts – specifically their skilful use of CSR programmes and the EU Better Regulation agenda – to achieve particular corporate aims. The work has primarily focused on the strategies of the British based multinational, British American Tobacco (BAT), the world's second largest transnational tobacco company.

The first case study focuses on how BAT strategically used its CSR programme to gain access to the UK Department of Health. Based on an analysis of internal company documents, this study revealed how BAT exploited policymakers' interest in socially and environmentally ethical business practices, to create common ground and re-establish meetings between the company and the Department. BAT used the access they gained through their CSR programme to pursue two further objectives. Firstly, to undermine the evidence upon which arguments for greater tobacco control was based, and secondly, to question the qualitatively different approach taken to the tobacco industry compared with other 'controversial' industries. By using CSR to establish itself as a provider of reliable information, BAT tried to persuade public officials to consider voluntary alternatives to formal regulation. In the event, BAT was unsuccessful and the Department of Health retained its scepticism of the company despite its change of approach. However, by showing how BAT actively uses CSR to link the company's preferred policies (e.g. largely ineffective alternatives to smoke-free legislation and extensive marketing restrictions) to politically salient values, such as harm reduction, child health and the importance of cooperation between business and government, the research highlights the risks that CSR practices pose to effective tobacco regulation.

Key findings

The research found that:

Tobacco companies use Corporate Social Responsibility (CSR) Programmes and Better Regulation tools politically, to further their interests with policymakers and shape health policy.

CSR programmes as political strategy

- Tobacco companies have used CSR programmes and initiatives to secure access to policymakers and frame discussions with them; increasing the company's capacity to influence policy making.

- They have linked their CSR activities to salient social and environmental values to strengthen arguments for voluntary modes of regulation.

Better Regulation agendas as political strategy

- Tobacco companies have successfully changed the underlying framework through which all major EU policies are assessed, thus helping to formally embed tobacco industry participation in EU policymaking.

- The purpose behind their efforts to integrate stakeholder consultation and economic impact assessment procedures into EU decision-making was to delay, weaken and prevent legislation aimed at promoting public health.

The second case study is concerned with BAT's efforts to shape the policymaking infrastructure of the EU. Analysis of internal BAT documents and interviews with relevant actors revealed how BAT helped to ensure that policymaking tools, such as impact assessments (IAs) and mandatory stakeholder consultation, associated with the EU's Better Regulation agenda, were formally integrated into EU policymaking. To do this BAT established a policy network that included a number of major corporations (such as Shell, Zeneca, Tesco, SmithKline Beecham, Bayer and Unilever), and worked with the European Policy Centre, one of the largest and most influential think tanks in Europe. Their first aim was to ensure that corporations would be included in policy discussions in the EU and formally consulted early in the policy-making process. The success of the strategy has created conflicts with Article 5.3 of the World Health Organization Framework Convention on Tobacco Control, which aims to limit industry access to policy making. Their second objective was to shape the EU's impact assessment framework. As a result of their efforts changes to the EU Treaty have been secured, which specify that policymakers must minimise the burdens of legislative developments on businesses, and IAs are now required for all significant policy proposals by the European Commission. The value of impact assessment to tobacco companies is that it formalises their capacity to oppose and amend health policy proposals, and creates opportunities to direct policymakers to sources of data which are consistent with their interests.

Policy implications and message to policymakers

The research underlines the importance of treating corporate managers' public comments on CSR and Better Regulation critically. Specifically, the research highlights the need for policymakers to be aware of the underlying political motivations (intended aims and objectives) for corporate managers' engagement with apparently benign industry initiatives. Furthermore, officials need to be alert to the subtle ways in which CSR programmes, and industry contributions to IAs and stakeholder consultations, can subvert public health policy.

The research further underlines the importance of enhancing transparency in governance processes, and highlights the importance of strict implementation of Article 5.3 of the World Health

Organization Framework Convention on Tobacco Control. The Guidelines for Implementation issued pursuant to the Article encourage Parties to introduce a range of measures aimed at limiting tobacco company access to policymaking, and increasing surveillance of tobacco industry efforts to exploit their information advantage and influence policy. Policymakers in both the UK and EU need to consider extending existing requirements aimed at improving the transparency of industry-government interactions.

Methodology

Following a series of litigation cases in the US, leading tobacco companies (including BAT) were required to make internal documents publicly available. These can be reviewed and searched at http://legacy.library.ucsf.edu/. For both case studies an iterative approach to searching these documents was adopted. Initial searches used broad terms (such as 'social reporting' or 'CSR', 'Better Regulation' or 'impact assessment'),which were then refined by more specific terms. For both cases the searches returned a vast number of relevant documents - over 700 on each topic - which were reviewed and thematically coded by an experienced qualitative research team. Documentary analysis was contextualised and enriched by a small number of in-depth interviews with relevant individuals in the policy fields.

Contact the researchers:

The Tobacco Control Research Group is based at the University of Bath (Department for Health). www.bath.ac.uk/health/research/tobacco-control

For enquires related to the work of this group, please contact:

Dr Gary Fooks
Department of Health,
University of Bath
g.fooks@bath.ac.uk
www.bath.ac.uk/health/staff/gary-fooks
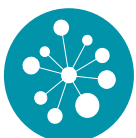
More on this research:

Fooks, G., Gilmore, A., Collin, J., Holden, C. and, Lee, K. (2012) The Limits of Corporate Social Responsibility: Techniques of Neutralisation, Stakeholder Management and the Political use of CSR, Journal of Business Ethics, 106(3), pp. 283-299

Fooks, G.J., Gilmore, A.B, Smith, K.E., Collin, J., Holden, C. , Lee, K. (2011) 'Corporate Social Responsibility and Access to Policy Elites: An Analysis of Tobacco Industry Documents', *PLoS Med* 8 (8), pp. 1-12

Smith, K.E., Fooks, G., Collin, J., Weishaar, H. Mandal, S. Gilmore, A.B (2010) 'Working the System: - British American Tobacco's Influence on the European Union Treaty and its Implications for Policy: An Analysis of Internal Industry Documents', PLoS Med 7(1), pp. 1-17

Smith, K.E., Gilmore, A.B., Fooks, G., Collin, J., Weishaar, H. (2009) 'Tobacco industry attempts to undermine Article 5.3 and the 'good governance' trap', *Tobacco Control* 18 p. 509-511. doi: 10.1136/tc.2009.032300

Smith, K.E., Fooks, G., Collin, J., Weishaar, H. Gilmore, A.B (2009) 'Is the increasing use of Impact Assessment in Europe likely to undermine efforts to achieve healthy public policy?', Journal of Epidemiology and Community Health 64 p. 478-487.

Institute for
Policy Research

UNIVERSITY OF
BATH