

Defining **commercial determinants of NCDs:** examples of **alcohol industry's strategies & practices** in **Thailand**

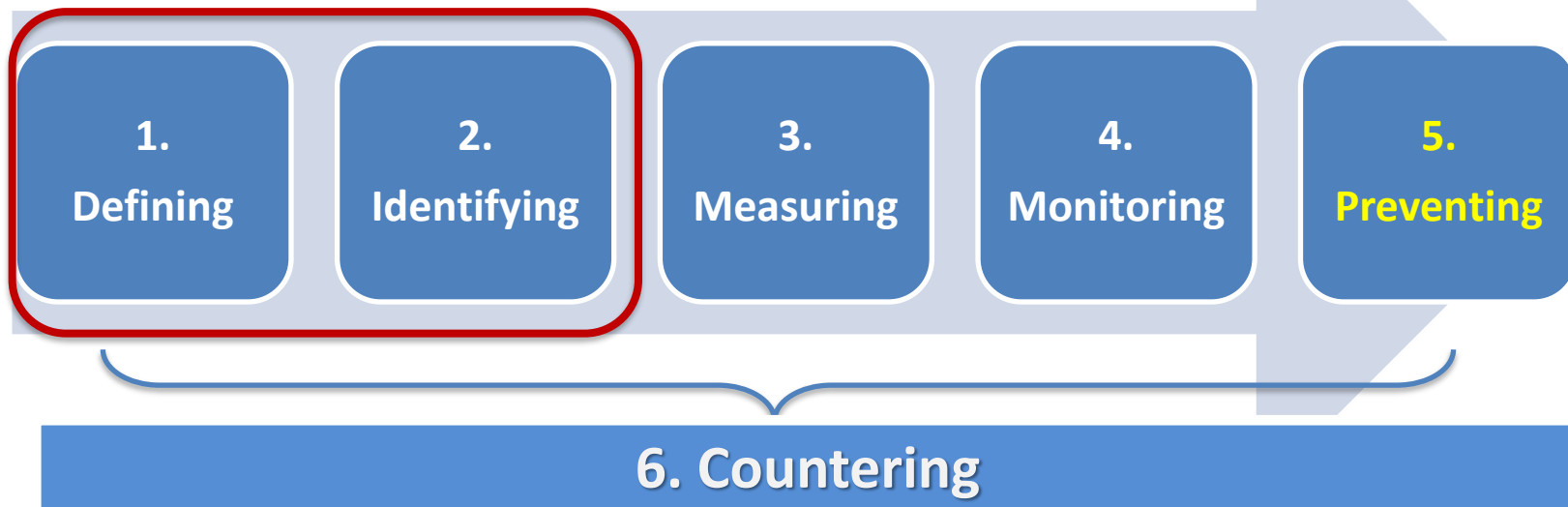
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GAPC2023 26 October 2023 @Cape town

6 key actions toward preventing commercial determinants of alcohol control

my presentation today!
focusing “policy interference sphere”



1. Defining

- **Defining conceptual frameworks for understanding “commercial determinants of health” “*commercial determinants of NCDs/alcohol control*” “*the alcohol industry*”**
- **Giving definitions of key terms & building vocabularies for communicating with wider audiences**

Defining commercial determinants of health (CDoH)

so far...

“Strategies and approaches used by the private sector to promote products and choices that are detrimental to health”

Kickbusch I. et al. (2016)

“A good or a service where there is an inherent tension between the commercial and the public health objective”

West & Marteau (2016)

“ ‘expressions of economic and political power wielded by large corporate entities, described as ‘powerful economic operators’”

Jennifer Lacy-Nichols & Robert Marten (2021)

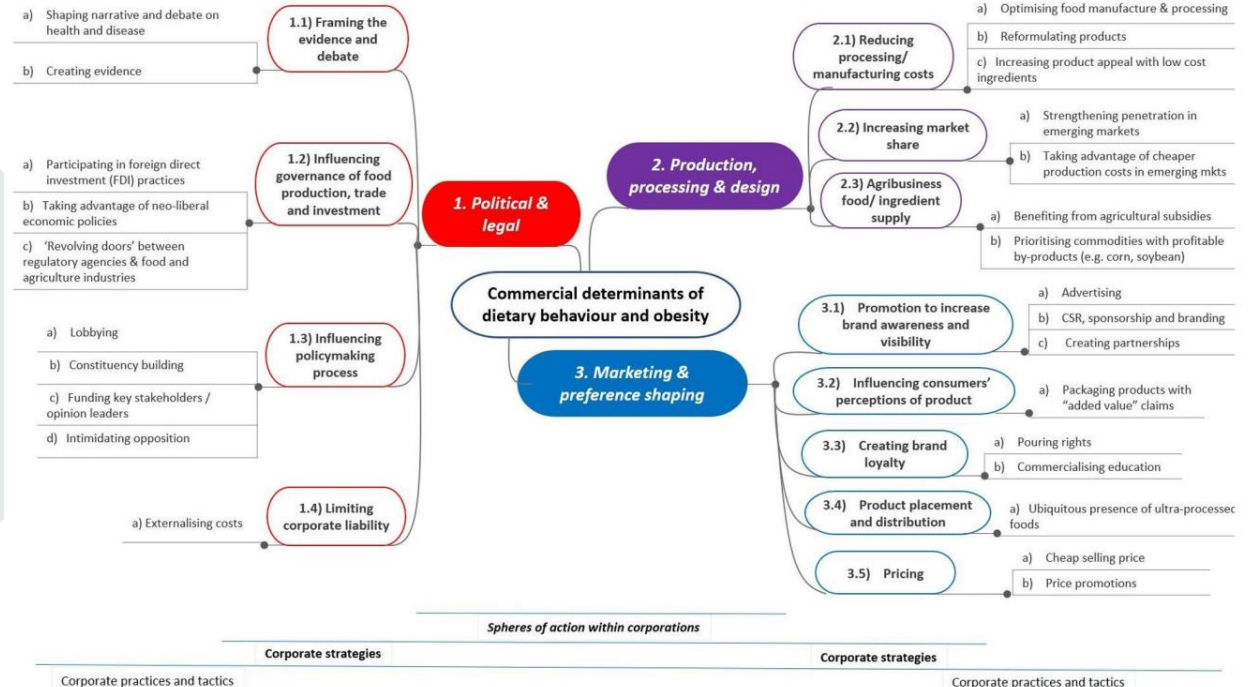
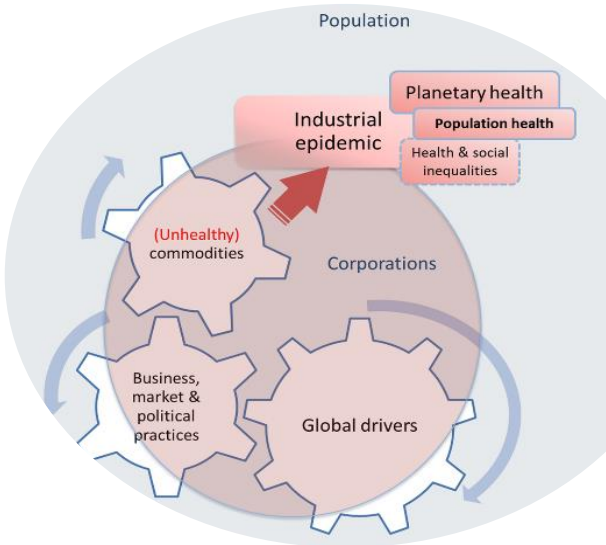
“CDoH are the private sector activities that affect people’s health positively or negatively

...

“Commercial determinants arise in the context of the provision of goods or services for payment and include commercial activities, as well as the environment in which commerce takes place.”

“...impact a wide range of health outcomes especially NCDs, road traffic injuries, malaria..
WHO (2021)

Conceptual frameworks of CDoH



Mialon, M. (2020) An overview of the commercial determinants of health. *Global Health* 16, 74 <https://doi.org/10.1186/s12992-020-00607-x>

Chavez-Ugalde, Y. et al (2021) Conceptualizing the commercial determinants of **dietary behaviors associated with obesity**: A systematic review using principles from critical interpretative synthesis. *Obes Sci Pract.* 7(4): 473–486 <https://doi.org/10.1002/osp4.507>

Measuring tools related CDoH

“Corporate Political Activity (CPA)” for identifying & monitoring food industry (Melissa Mialon et al., 2015)

6 Strategies	16 Practices
1.Information & Messaging	<ol style="list-style-type: none">1) Lobby policy makers2) Stress the economic importance of the industry3) Promote deregulation4) Frame the debate on diet- & public health-related issues5) Shape the evidence base on diet & public health-related issues
2.Financial incentive	<ol style="list-style-type: none">1) Fund & provide financial incentives to political parties and policymakers
3.Constituency building	<ol style="list-style-type: none">1) Establish relationships with key opinion leaders and health organizations2) Seek involvement in the community3) Establish relationships with policymakers4) Establish relationships with the media
4. Legal	<ol style="list-style-type: none">1) Use legal action (or the threat thereof) against public policies or opponents2) Influence the development of trade and investment agreements
5.Policy substitution	<ol style="list-style-type: none">1) Develop and promote alternatives to policies
6.Opposition fragmentation & Destabilization	<ol style="list-style-type: none">1) Criticize public health advocates2) Create multiple voices against public health measures3) Infiltrate, monitor and distract public health advocates, groups and organizations

Operational conceptual framework on commercial determinants of NCDs

A. context & drivers.

A1: Global level

- Political economy
- International trade system
- Global actors

A2: National level

- Government policy
- Socio-cultural context
- Government agencies
- Non-state organisation

A3: Individual level

- Officers
- Citizen

B. Private corporations

in alcohol, tobacco, processed food & drink industries.

B1: Companies or corporations relevant in value chains

(raw material supplier, producer, exporter, importer, distributor & wholesaler, retailer, and input supplier & contractor)

B2: Business partnership & affiliated industry

including large conglomerates

B3: industry-funded agencies,

social aspect organization, front group, including multi-stakeholder initiatives

C. Strategies of private corporations

in alcohol, tobacco, processed food & drink industries.

CP: Production, trade & investment

- CPS1 Cost reduction
- CPS2 Sufficient supply of ingredients

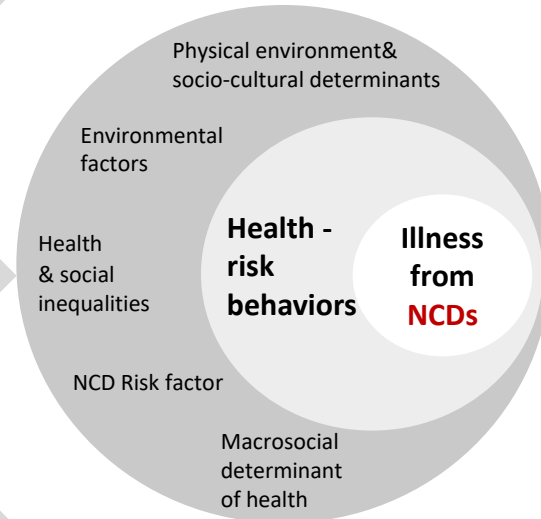
CM: Distribution & Marketing

- CMS1 Increasing market size
- CMS2 Increasing sales, awareness, & visibility
- CMS3 Building acceptability of product or company
- CMS4 Building brand loyalty

CI: Policy interference

- CIS1 Influencing policymaking process
- CIS2 Using of legal actions & international trade & investment policies
- CIS3 Financial incentives & conflict of Interest
- CIS4 Constituency building
- CIS5 Framing the debate & Intimidating opposition

D. outcomes



5 Strategies & 16 practices* of industry interference in NCD prevention policy (at 3 tiers)

of private corporations in alcohol, tobacco, processed food & drink industries.



* With descriptions

(Waleewong, O. et al, 2022, adapted from Chavez-Ugalde, Y. et al (2021), Mialon, M. (2020), ..)

2. Identifying or testing

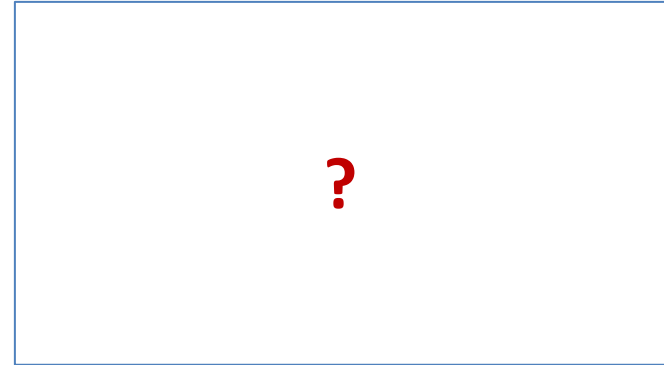
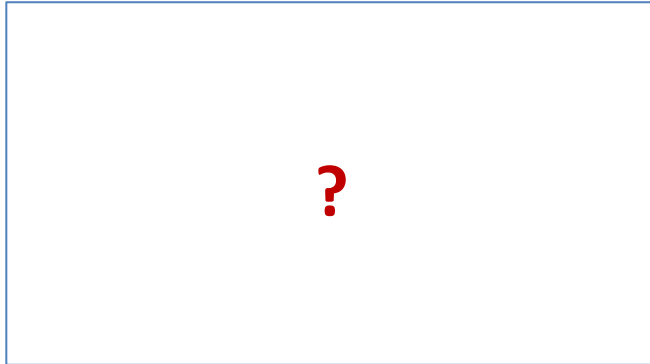
**the operational framework, strategies, and practices
whether they are feasible or make sense
of the events or information found**

Examples of practices of #Strategies 1: Influencing policy-making process

1.1 Lobbying

1.2 Participating in the policy decision-making processes (constituency building)

1.3 Industry front group representations in policy decision-making bodies



Examples of practices of #Strategies 2: Using legal actions and international trade & investment policies

2.1 Threatening litigation

2.2 Taking advantages through international trade policies

2.3 Committing extra legal tactics

In 2021, the government endorsed the ban on online sale and delivery services for alcoholic beverage.

Alcohol traders brought the case to the constitutional court, arguing that the ban on online sales violates the Thai constitution.

(Practice 2.1 Threatening litigation)

In 2014, Thailand had introduced the draft regulations on pictorial warning label on alcoholic beverages. Thai National Bureau of Agricultural Commodity of Food Standards received letters of concerns from global alcohol group stating that the draft regulation might against WTO TBT agreement.

(Practice 2.2 Taking advantage of international trade regulations)

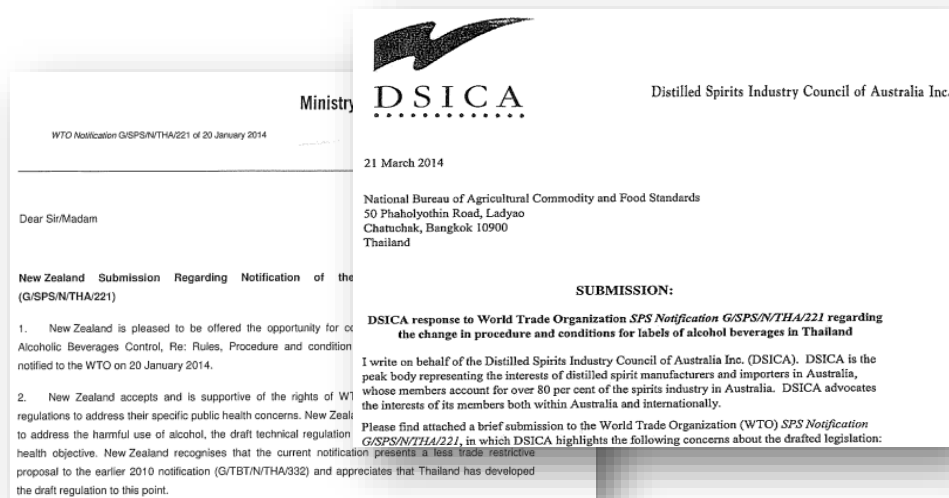


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ผู้ประกอบการสุรา ร้องผู้ตรวจการแผ่นดิน ชะลอร่าง
กฎหมายห้ามซื้อขายออนไลน์

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Ministry

DSICA

Distilled Spirits Industry Council of Australia Inc.

WTO Notification G/SPS/N/THA/221 of 20 January 2014

21 March 2014

National Bureau of Agricultural Commodity and Food Standards
50 Phaholyothin Road, Ladysao
Chatuchak, Bangkok 10900
Thailand

Dear Sir/Madam

New Zealand Submission Regarding Notification of the
(G/SPS/N/THA/221)

SUBMISSION:

1. New Zealand is pleased to be offered the opportunity for a
Alcoholic Beverages Control, Re: Rules, Procedure and condition
notified to the WTO on 20 January 2014.

**DSICA response to World Trade Organization SPS Notification G/SPS/N/THA/221 regarding
the change in procedure and conditions for labels of alcohol beverages in Thailand**

I write on behalf of the Distilled Spirits Industry Council of Australia Inc. (DSICA). DSICA is the
peak body representing the interests of distilled spirit manufacturers and importers in Australia,
whose members account for over 80 per cent of the spirits industry in Australia. DSICA advocates
the interests of its members both within Australia and internationally.

2. New Zealand accepts and is supportive of the rights of WTO
regulations to address their specific public health concerns. New Zealand
to address the harmful use of alcohol, the draft technical regulation
health objective. New Zealand recognises that the current notification
proposal to the earlier 2010 notification (G/TBT/N/THA/332) and appreciates that Thailand has developed
the draft regulation to this point.

Please find attached a brief submission to the World Trade Organization (WTO) SPS Notification
G/SPS/N/THA/221, in which DSICA highlights the following concerns about the drafted legislation:

Examples of practices of

#Strategies 3: Providing financial incentive & expanding conflicts of Interest

3.1 Funding key policy makers

3.2 Revolving door (between government and company)

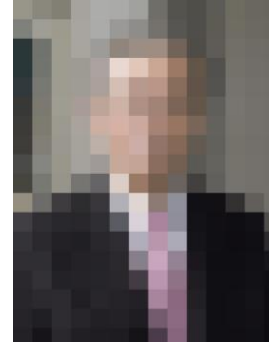
3.3 Inviting people related to government officials or policy makers as their business partners/stakeholders



Former Minister
of Public Health



Former Attorney
General



Former Advisor
of the Minister
of Public Health

Former public health policy makers are **“consultants”** of
alcohol industry after their retirements.
(practice 3.2 Revolving door)

Examples of practices of #Strategies 4: Establishing partnerships & stakeholder marketing *(the most common!)*

- 4.1 Forming unnecessary Interaction with the policy makers
- 4.2 Building relationships with government organizations & health-related agencies
- 4.3 Building good relationships with consumers, communities & media organizations

Industry’s activities in this practices would include such as **CSR activities (donations, charity campaigns, sponsoring)**



The alcohol industry’s foundation donated money to public health agency **(Practice 4.2: building relationships with government agencies)**



The alcohol industry’s social group was appointed to be a brand ambassador of the Ministry of Social Development and Human Security. **(Practice 4.2: building relationships with government agencies)**



Thai Foundation for Responsible drinking (TFDRI) established with the support by alcohol companies to communicate with public about responsible drinking. **(Practice 4.3 Building good relationships with consumers, communities & media organizations)**

Note: one event could fit in multiple practices/strategies

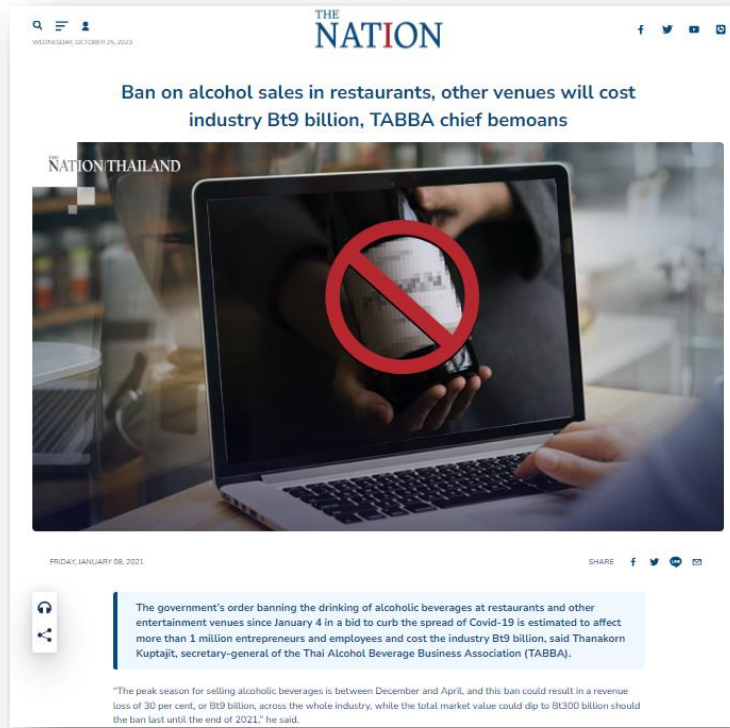
Examples of practices of #Strategies 5: Framing the debate & Intimidating opposition

5.1 Intimidating, discrediting & fragmenting oppositions (policy supporters)

5.2 Shaping narrative & debate to distract public health objectives

5.3 Controlling research to develop or distort information that are beneficial the business

5.4 Undermine public health evidence



Note: one event could fit in multiple practices/strategies

 สมาคมธุรกิจเครื่องดื่มแอลกอฮอล์ไทย
Thai Alcohol Beverage Business Association

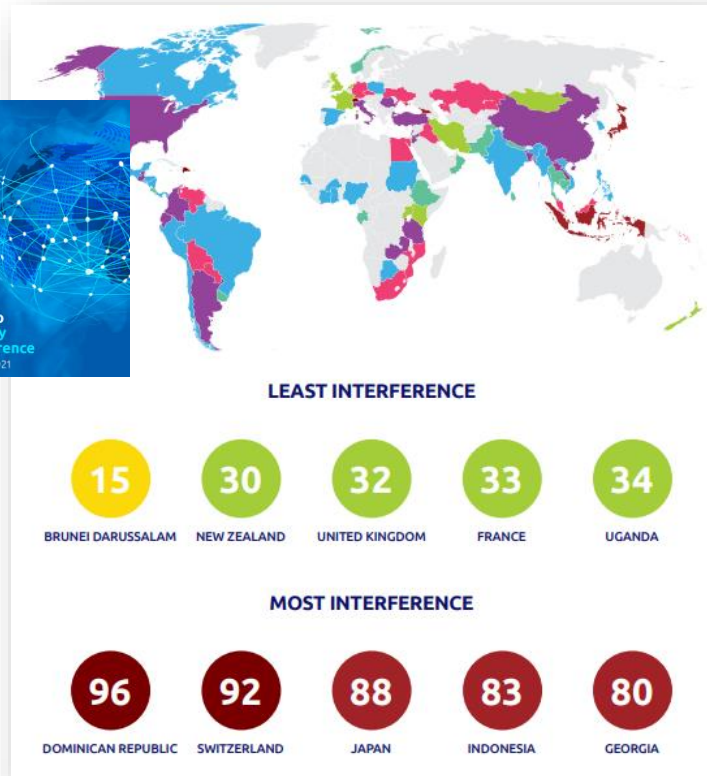


TABBA, Thai alcohol front group, gave the news about economic loss due to ban of alcohol sale during Covid 19 pandemic.

(Practice 5.2 Shaping narrative & debate to distract public health objectives)

3. Measuring & obtaining

- **Develop measurement(s)**
- **Identify how to obtain (unpublished) information**



“Global Tobacco industry interference index”

7 Areas: monitoring government’s practices related to tobacco industry

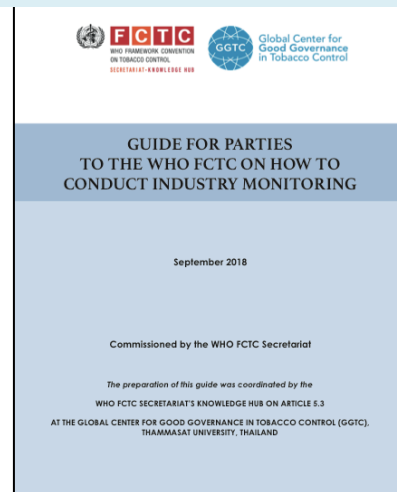
1. **Industry’s participation in policy-development** (4 items)
2. **Tobacco-related CSR activities** (1 item)
3. **Benefits to the tobacco Industry** (2 items)
4. **Forms of unnecessary interaction** (3 items)
5. **Transparency** (2 items)
6. **Conflict of Interest** (3 items)
7. **Preventive Measures** (5 items)

Mary Assunta (2021). Global Tobacco Industry Interference Index 2021. Global Center for Good Governance in Tobacco Control (GGTC). Bangkok, Thailand. <https://exposetobacco.org/wp-content/uploads/GlobalTIIndex2021.pdf>

4. (systemic) Monitoring & reporting

- ✓ Team (+capacity building)
- ✓ Tool & methods
- ✓ Network (coalitions or civil society groups)
- ✓ Platform for reporting/timely response

Learning from tobacco policy



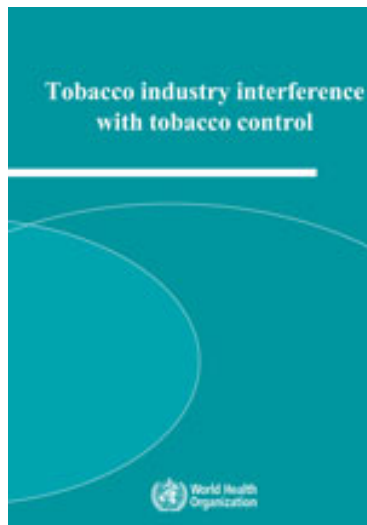
<https://untobaccocontrol.org/kh/article-53/>

5. Preventing

- Develop “a code of practice” for organizations and government officers **when interact or collaborate with the industries** that may have potential conflicts of interests (COIs), especially for those in high-level policy-making agencies.

Strategies to counter the activities of the tobacco industry

First, the tobacco control sector should **get to know the local tobacco industry by analysing its documents.**

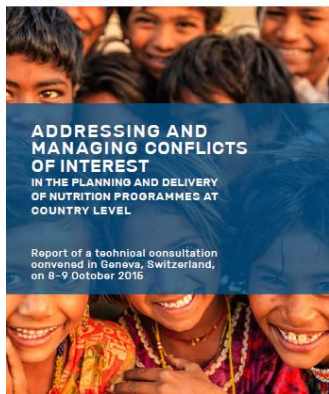


- monitoring the local tobacco industry
- informing & involving the public
- obtaining and using evidence strategically
- using 'champions' to tell the truth about tobacco use
- applying lessons from international experience
- exposing the myths and refuting the industry's arguments
- building strong anti-smoking coalitions
- communicating and strictly enforcing tobacco control measures
- making the industry accountable
- regulating the industry

Source: World Health Organization (2008) Tobacco industry interference with tobacco control

Learning from nutritional policy

TECHNICAL REPORT



Approaches for identifying & preventing COI in nutrition program:

- **Disclosure & transparency**, involving complete transparency at the individual and institutional levels.
- **Divestment**, whereby the individual or institution rids itself of any interest which might impede judgement (e.g. sells shares, donations, gifts received).
- **Screening** of officials with conflicting interests to prevent them from being involved in relevant regulatory or policy areas of work
- **Recusal & prohibition** apply when divestment is not possible and involves officials removing themselves from, or being prohibited from participating in, particular regulatory or policy decisions

Approaches for manage or mitigate COI in nutrition program:

- **Pluralism & diversity**, whereby as wide a range of interests as possible are represented to dilute the influence of private actors, or ensuring that a number of agencies or officials are involved in decisions.
- **Sanctions**, with effective enforcement, for violation of conflicts of interest guidelines. These can include reprimands, fines or dismissal.
- **A conflict of interest unit** can be established to assess interests, thus ensuring that the responsibility for assessing whether there is a conflict does not rest with the individual concerned.

https://apps.who.int/iris/bitstream/handle/10665/206554/9789241510530_eng.pdf

6 key actions toward preventing commercial determinants of alcohol control

my presentation today!

focusing “policy interference sphere”



regularly **communicating** and **raising awareness on CDoH**, especially industry policy interference practices **in the society** and **among policy makers at all levels**

Properly and timely **counter** to the interference (**perhaps civil groups could help!**)



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