

Should companies with unhealthy products be regulated to protect health?

October 3 2008

Should businesses that sell products which are responsible for a huge numbers of deaths, illness and injury, such as tobacco and junk food, be held accountable and made to improve public health? Two experts debate the issue on bmj.com today.

Stephen Sugarman a Professor of Law from Berkeley University in California, believes that businesses will only act if their profits are threatened, so current voluntary agreements are insufficient. Instead, he suggests letting governments tell businesses what outcomes they want from them and leaving them to work out how best to achieve regulatory targets.

This new approach, performance based regulation, would focus directly on outcomes. For example, junk food sellers would have to make sure there were fewer obese schoolchildren, car manufacturers would have to reduce the number of fatal road crashes, and tobacco companies would be compelled to reducing smoking prevalence.

If companies do not achieve their goals they would face substantial charges. Given this scenario, it is probable that companies would become very creative in devising new inventions to tackle these problems, writes Sugarman.

He argues that while public health leaders should accept business as an ally they should also wake up to the fact that voluntary cooperation will never achieve enough. He says: "Performance based regulation occupies

the middle ground—a third way. Let society set legally enforceable goals and then let enterprises loose to accomplish them."

But Stig Pramming, Executive Director at the Oxford Health Alliance, argues that there is no guarantee that regulation will bring about behavioural change. Selling healthier snack food will not guarantee a fall in obesity levels and increasing bike lanes will not definitely change traffic patterns.

He maintains that businesses have changed—they may not be angels but they are increasingly transparent and cannot afford to neglect their corporate social responsibility, he adds.

While it would be foolish to believe that businesses don't put their profits first, he believes that it is down to activists to be organised and persuasive in getting involved with companies.

Using the example of his own organisation, the Oxford Health Alliance, which engages business, health professionals, policy makers and other stakeholders as equal partners in finding solutions to public health problems, he says that many major companies now see the business sense of promoting healthy choices and behaviours.

He points to examples such as Sainsbury's, which has invested millions of pounds in the development of a childhood obesity programme called MEND (Mind, Exercise, Nutrition ... Do it); and PepsiCo which has merged with Quaker Oats and bought the fruit juice company Tropicana to move away from sugary drinks to healthier alternatives.

Pramming concludes: "Cooperation is an urgent priority, and we must act to ensure that business is part of the solution. Regulation is no substitute for collaboration."

Source: British Medical Journal

Citation: Should companies with unhealthy products be regulated to protect health? (2008, October 3) retrieved 19 April 2024 from <https://medicalxpress.com/news/2008-10-companies-unhealthy-products-health.html>

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