

# Cross-Party Group on Improving Scotland's Health

Wednesday 20 April, 12:30-13:45, online meeting

## Summary

### Present

#### MSPs

Brian Whittle MSP

Foyso Choudhury MSP

Gillian Mackay MSP

#### Invited guests

Professor Gerard Hastings, University of Stirling

Andrew Rowell, University of Bath

#### Non-MSP Group Members (54)

Amanda Amos, University of Edinburgh

Catherine Best, University of Stirling

Annafleur Broekman, NHS Lothian

Annie Brown, Patchwork Recovery Community

Lisa Brown, Public Health Scotland

Christina Buckton, Public Health Scotland

Hilda Campbell, COPE Scotland

Ruth Campbell, British Dietetic Association Scotland Board

Anna Cowan, ASH Scotland

Emma Crawshaw, Crew 2000 Scotland

Alan Dalziel, ASH Scotland

Elena Dimova, Glasgow Caledonian University

Alison Douglas, Alcohol Focus Scotland

Sheila Duffy, ASH Scotland

Peter Faassen de Heer, Scottish Government

Karl Ferguson, Public Health Scotland

Helen Forrest, Children's Health Scotland

Jennifer Forsyth, Obesity Action Scotland

Holly Gabriel, Action on Sugar

Frederike Garbe, NHS Lothian

Alison Giles, Institute of Alcohol Studies

Jules Goodlet-Rowley, Scottish Government

Lily Green, Scottish Government

Laurence Gruer, University of Edinburgh  
Mathis Heydtmann, NHS Greater Glasgow and Clyde  
Amy Hickman, Breast Cancer Now  
Shona Hilton, University of Glasgow  
Lesley Hinds, Scottish Parliament  
Scott Hogg, University of Glasgow  
Morag Innes, Scottish Parliament  
Karleen Jackson, Public Health Scotland  
Colwyn Jones  
Glenys Jones, Association for Nutrition  
Karen Keeley, Royal Environmental Health Institute of Scotland  
Fiona Lockett, Fife Health and Social Care Partnership  
Murdo MacDonald, Church Of Scotland  
Angus Maclean, Befriending Networks  
Sancha Martin, University of Edinburgh  
Ian McCall, Paths for All  
Elaine Mitchell, Scottish Government  
Lindsay Paterson, Royal College of Physicians of Edinburgh  
Nicola Paul, ASH Scotland  
Susan Philp, Glasgow Council on Alcohol  
Esme Pringle  
Gillian Purdon, Food Standards Scotland  
Bruce Ritson, Scottish Health Action on Alcohol Problems (SHAAP)  
Jonathan Roden, British Heart Foundation Scotland  
Kay Samson, NHS Fife  
Konstantina Scott-Barrett, Royal College of Paediatrics and Child Health Scotland  
Simon Shepherd, University of Dundee  
Jonathan Sher, Queen's Nursing Institute Scotland  
Elisabeth Smart, NHS Highland  
Kimberley Somerside, Voluntary Health Scotland  
Lorraine Tulloch, Obesity Action Scotland

## Apologies

Annie Anderson, Scottish Cancer Foundation  
Carol Emslie, Glasgow Caledonian University  
Kenny Harrison, Local Licensing Forum, Argyll & Bute Council  
Muriel Mowat, Befriending Networks  
Fraser Paterson, Royal College of Physicians and Surgeons of Glasgow  
Sue Whittle, Compassion Edinburgh – Local Volunteer Group

## Agenda item 1: Welcome from co-convenor Emma Harper MSP:

**Sheila Duffy (SD)** welcomed attendees as Ms Harper was unable to attend. Sheila presented the agenda and introduced the speakers.

## Agenda item 2: Attending MSPs introduced. Apologies noted in meeting minutes

**SD** introduced the attending MSPs: Brian Whittle MSP, Foysol Choudhury MSP, and Gillian Mackay MSP. Apologies were noted as above.

## Agenda item 3: Approval of Wednesday 15/12/21 meeting minutes and any matters arising

An apology omitted from the previous meeting minutes was included. The group unanimously approved the updated minutes.

## Agenda item 4: Topic discussion: Marketing Matters

The speakers, **Professor Gerard Hastings** (GH) and **Andrew Rowell** (AR), delivered their presentation on the topic of “Marketing Matters”.

**GH** invited participants to imagine that instead of being a retired professor with a career in academia, he is a retired captain of industry. **GH** shared his imaginary CV, detailing his experience of working in blue chip multinationals across food, alcohol, and tobacco industries.

**GH** then explained that although these may seem like three entirely different sectors, this cross-experience is very normal as the skills base and the rules of engagement for these different sectors are identical. Although the products vary, the basic principles remain the same. Additionally, all three sectors attract their share of critics, although they maintain that they do their jobs according to the rules.

**GH** listed the three basic truths that big businesses have to live by:

1. The fiduciary imperative: because the business spends other people’s money, their shareholders’ money, the business is required to look after other people’s interests, not their own, by maximizing the returns on their investments.
2. Externalities: the impacts the business has, beyond the simple transaction between customer and producer. For example, the oil industry has an impact on ecology. These are considered externalities, because if they were taken into account the business could cease to function. Externalities are conveniently ignored when companies declare their results. For example, alcohol companies do not list liver cirrhosis at the end of the year.
3. Demand must outstrip supply: the business model relies on this concept as if businesses produced more than people wanted to buy, the model would collapse,

their profit margins would shrink, and their power would evaporate. This basic economic truth drives the importance of marketing, encouraging and growing demand to make sure it always outstrips supply.

**GH** quoted Rosser Reeves, who used to greet recruits to his advertising agency in North America by saying: "never forget your job is very simple. It is to make people think the silver dollar in my left hand is much more desirable than the silver dollar in my right hand."

Since then, marketing has become far more sophisticated, with market research allowing businesses to get inside the heads and hearts of customers. Big businesses now also closely watch their competition, taking them on in any way possible, from competing with them in the marketplace to taking them over.

Advertising is not the only way businesses attract customers; promotion, pricing, place, and product also matter. The digital era has also greatly enhanced the power of businesses, knowing customers better than their own mothers. **GH** concluded by raising the example of Cambridge Analytica. If digital techniques can be used to influence something as profound as voting behaviour, how much easier is it to manipulate something as trivial as shopping behaviour?

**AR** continued the presentation, focusing on the work of marketers in the industries **GH** discussed. He began with a quote from 1988, from someone who worked for five tobacco companies, which sums up the decades old problem of the tobacco industry: "How do you sell death?".

The answer lies in open spaces, selling to young, healthy people, linking the product to athletes, for example. Characters like the Marlboro Man and Joe Camel became iconic. Nearly 35 years later, 1.3 billion people around the world smoke, 6 trillion cigarettes are smoked each year, but the industry will not talk about externalities, such as the 8 million people who die because of smoking.

Advertising works, and although the tobacco industry has tried to persuade politicians that the only reason to advertise is to get people to switch from one brand to another, we know this is not true.

Big businesses frequently use sports as an avenue to advertise their products. When measuring sales before and after a sponsored event, businesses see an increase in sales after the event. The fundamental reason for sponsorships is that they increase sales.

Although cigarette advertising is banned, e-cigarettes are opening up a new avenue to reach potential consumers. The marketing for e-cigarettes use the same marketing that cigarettes once had: open spaces, sports, sex, and glamour.

Tobacco advertising may be banned on Formula 1, but last year the tobacco industry spent over 100 million on Formula 1 sponsorships. The reason for this is young people. Over a

third of Formula 1 fans are under 25. By turning people into consumers from a young age, the tobacco industry and other industries create long-term customers and an ongoing , revenue stream for themselves. Big businesses have done this for decades, constantly learning from one another.

The alcohol industry now accounts for roughly 20% of all sports sponsorship internationally. Research has found that repeated exposure to alcohol advertising in sport has long term effects on drinking attitudes. The more someone sees a brand, the more favourable they become towards it.

In 2020, half the Premier League 20 clubs had a gambling sponsor on their shirt, and 17 out of the 24 clubs in the Championship had gambling sponsorship. The Stoke City “Bet365” stadium is entirely sponsored by gambling, essentially turning it into a branded gambling arena. Discussions are being held to reform gambling laws, but nothing has been confirmed yet.

Last year, a report by Sustain found that junk food is hijacking sports and children’s health. Of the people interviewed, 90% said the marketing of junk food through sport made it harder for them to feed their children a healthy diet, while 86% said the government should create new laws to stop this kind of advertising.

**AR** defined Facebook as the “Holy Grail” for marketers, as so many young people use the social media platform. **AR** asked **GH** what he would do to protect Scotland’s young people if he was in control.

**GH** questioned whether advertising to children should be allowed at all as they do not understand what advertising is. Ordinarily, when adults exploit the naivety of children for their own gain, they are prosecuted. With advertising, however, this is treated as a blind spot and is allowed.

This blind spot was corrected with tobacco. Twenty years ago, most children in Scotland could name multiple tobacco brands and many teenagers smoked. Now, 20 years after the tobacco advertising ban was legislated for, children struggle to name brands and smoking levels have dramatically decreased.

Therefore, the solution is there. However, people now say that banning advertising is not morally right. This thinking is deeply harmful to public health.

**AR** noted that advertising bans are clearly effective, as evidenced by the ban on tobacco advertising, and will produce the same results when the advertising of other harmful commodities is banned.

**Laurence Gruer** asked whether the speakers could identify any particular governments which have appeared to be more successful in curbing the power of these three different industries (alcohol, tobacco, gambling) and reducing their harm.

**GH** highlighted that these industries are bigger than countries, which makes mitigating their negative effects on a national level difficult. **GH** gave the examples of the Mexican sugar tax which has led to other countries doing the same thing, and Ireland going smoke-free, followed by Scotland and other countries. There is a need for an international convention, as was the case with the Framework Convention on Tobacco Control. This is a well-proven model in public health which should be repeated in all sorts of fields.

**AR** noted that his colleagues at STOP have a global tobacco industry interference index, whereby certain countries around the world are ranked, looking at how much influence the industry has, from good and bad.

**Hilda Campbell** raised the issue of funding, explaining that in the gambling industry, various companies fund solutions to the problems they cause. She asked the presenters what their thoughts are on a government tax which the government can distribute to people affected by harmful products rather than the industry itself funding the services accessed by people harmed by their products.

**GH** quoted Arundhati Roy, who after the 2008 financial crisis famously said that the people who got us into this mess were not going to get us out of it. There is a hopeless and profound conflict of interest when, for example, a gambling company tries to help gamblers, or a drinks company tries to help drinkers suffering ill health as a result of the consumption of their products. However, **GH** accepted the principle of “polluter pays”.

**AR** noted that article 5.3 of the Framework Convention on Tobacco Control clearly seeks to prohibit the tobacco industry having an influence in public health, making the lines on tobacco funding clearer. Lots of academics would not take industry money. Should the fox be giving money to look after the henhouse?

**Jonathan Sher** shared that in North Carolina, where the tobacco industry is what the alcohol industry is to Scotland, major class action lawsuits against corporations resulted in tens of millions of dollars that went to the state. These created a special fund that the state used to fund the opposition to tobacco and all the public health efforts. He questioned whether funding the opposition using health-harming industries’ own money would work in Scotland and the UK.

**GH** described his involvement in several legal cases over the years, which always fail. Although **GH** noted he was not legally qualified to deduce exactly why, it may be that it is much more difficult to bring these sorts of cases in the British system than it is in the American system. **GH** also shared his concern about putting public health policy and societal progress in the hands of courtroom situations which can be difficult to predict. As we live in a democracy, we should come together and make decisions.

**AR** noted that despite clear evidence of a direct causal link between smoking and cancer, there has never been a successful prosecution of a tobacco company in the UK. **AR** had

spent six years working on bribery and corruption of British American Tobacco in eastern, central, and southern Africa, including working on two Panorama programs with the BBC. Following tens of thousands of documents and a six-year investigation by the UK Serious Fraud Office, the case was dropped. Public health proponents are dealing with very powerful companies and holding them to account, at least using UK law, is proving quite difficult.

**Alison Douglas (AD)** shared the importance of linking these issues to human rights. Governments have legal responsibilities under human rights legislation, making this a potential route to apply pressure, particularly in Scotland which has the aspiration to fully incorporate human rights legislation directly into domestic law. She went on to say that Alcohol Focus Scotland has commissioned case studies on how other European countries have restricted alcohol marketing, conducted by the University of Stirling, which will be published in the next couple of months. The research shows that countries such as Estonia and Norway have had progressive legislation, with Norway's going back to 1975. This shows that models which Scotland can emulate are available.

**AD** also highlighted that a combination of action on both national and international level is necessary. The challenges of digital marketing cannot realistically be controlled in the UK alone.

**Bruce Ritson** supported following legislative routes, noting that the industries will often use legal challenges against public health measures, as was the case with minimum unit pricing in Scotland.

**Amanda Amos** shared that Mary Portas has picked up on the issue of externalities and how it cuts across lots of health-harming product industries and is co-leading on the Better Big Business Act, which they would like to incorporate into the next Queen's Speech. Companies need to ensure that profits are not their only focus, and that their aims reflect their social and environmental responsibilities. "Growth and profit" needs to be replaced with "people, planet, and profit", in that order. **GH** agreed that the idea of profit at all costs cannot continue. We will either reach our planetary limits and everything will collapse, or we will do something about it.

**GH** and **AR** shared concern at the involvement of the Institute of Directors in the proposed Big Business Act.

**Ruth Campbell** asked **GH** whether he could share some more information on his work on breast milk substitutes, as that industry has very aggressive marketing practices, despite the existence of an international code around the advertising of breast milk substitutes.

**GH** said the work was in collaboration with the World Health Organization (WHO), resulting in three papers currently in peer review, looking at the science of infant formula itself, the marketing, and the wider macro-economic implications of the marketing. This work included

off-the-record interviews with industry marketing experts, one who said that when a woman falls pregnant now, given social media contact, the brands are the first people to know. Long before the first antenatal clinic visits, formula companies have been in touch through social media marketing. This essentially means that babies in the womb are subject to marketing. There is currently a class action lawsuit in the United States about the marketing of a formula particular to babies who are in newborn intensive care units (NICU).

**GH** and **SD** both noted that marketing itself is not the issue, the issue is how it is used, especially with regards to the marketing of health-harming products as if they were not health-harming.

**SD** invited **Gillian Mackay MSP (GMac)**, to share her thoughts. **GMac** reiterated that this parliament is Scotland's opportunity to harness the focus everyone has had on their own health and wellbeing, and how to look after their own health and wellbeing, because of the pandemic. **GMac** invited participants to email her to discuss their work in public health.

**SD** referred to the prospective 2023 Public Health Bill, suggesting that a framework regulation would be beneficial, as that would allow for new regulations to be incorporated without needing to have reopen the primary legislation each time. Public health advocates can learn from the experience of tobacco, where organisations such as ASH Scotland are constantly moving retrospectively to shut things down. For example, point of sale was not included in the original legislation, as it was not an issue, but it became an issue once tobacco companies started pouring money into it.

## Agenda item 5: Consultation on restricting the advertising and promotion of vaping products

**SD** also urged participants to respond to the Scottish Government consultation on the advertising of e-cigarettes and vapes. The industry opposed restricting the advertising of these products, arguing that they were good for smoking cessation. However, the evidence backing this claim is still not clear at population level. There is however clear evidence of youth uptake, of increasing sales of disposable vapes, and of an increased risk of youth nicotine addiction, and an increased risk that young people would go on to use cigarettes and tobacco. This evidence came from the WHO and was robustly analysed in a recent systematic global evidence review by Professor Emily Banks. The DISPLAY study from the University of Stirling in Scotland found evidence of the impacts of retail e-cigarette marketing on youth.

**AD** shared that the Scottish Government was committed to consulting on restricting alcohol marketing, which **Alcohol Focus Scotland** was hoping would be part of the Public Health Bill. A report from the Expert Network on Alcohol Marketing would be published in coming weeks, providing lots of evidence round alcohol marketing. **AD** encouraged people to look out for the consultation and to respond to it when the opportunity arises.



## Agenda item 6: NCD Coalition Update

**Jonathan Roden** introduced the NCD Prevention Coalition, a group of nine charities looking to prevent harm from health harming products through access to availability, marketing, and price and promotion, and also advocating for improvements in treatment services. The Coalition had six calls for action in the current parliamentary year. With regards to the Public Health Bill, the Coalition is looking for people outwith the group of nine charities to share their opinions on the Coalition's asks from the Public Health Bill.

**SD** echoed previously points that working in public health often requires looking many years down the line, as it can take years for the damaging effects of health harming products to appear, and many years to see the reversal of these negative trends at population level after public health interventions.

**AD** noted the importance of learning from other industries. For example, alcohol can learn from tobacco's struggle with alibi marketing and the brand sharing which exists between alcoholic products and low and no alcohol products. To regulate alcohol marketing properly, public health proponents need to ensure that no loopholes are allowed, such as the use of the same brand name or brand identity for no and low products.

**SD** shared that in the case of vaping, adverts include obvious visual references to sweets and ice creams, while product walls are placed next to walls of slushies or displays of sweets. She asked people to share examples they come across with ASH Scotland. **SD** shared her concern about disposable vapes that retail cheaply, e.g., at £3.99 or £4.99. They were brightly coloured and highly flavoured, which had led to a massive rise in reports of children and youth using them. Additionally, disposable vapes were an environmental issue as they utilise throw-away plastics and batteries. **AR** added that this year's focus for World No Tobacco Day at the end of May was the environment. The University of Bath and STOP were working with the WHO on a national webinar where new material would be presented. **AR** will talk about the tobacco industry's environmental impact and its new generation products.

**SD** noted that the industry constantly adapts and changes its messaging and imagery. Public health advocates need to be looking ahead and trying to ensure any framework legislation captures future innovation rather than having to wait several years for new legislation every time, and then getting legally challenged which delays implementation. She also raised the issue of astroturfing or fake grassroots initiatives, where industry representatives bounce social media and target messages to particular population segments.

**AR** added that everyone should read **GH's** new book, called Hyper Consumption.

## Agenda item 7: Any Other Business:

There was no other business.

**SD** ended the meeting by thanking the presenters for their stimulating inputs. She also thanked members of the group for their commitment and contributions.

END