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# 'A brave but vital initiative': reining in corporate harm

Ruth E Malone

Sometime in the 1950s, tobacco companies learned that their cigarettes were causing lung cancer and killing their best customers. Rather than admit the truth and pull their deadly products from the market, we know now that they engaged in multiple elaborate and expensive campaigns aimed at the creation of controversy and confusion.<sup>1</sup> Subsequently, they fought virtually every important tobacco control measure ever introduced, either overtly or covertly (and sometimes both) to protect shareholder profits. Meanwhile, they continued business as usual. Even after their deceptions were finally exposed, no government has ever stopped them from continuing to sell cigarettes—*not even for a single day*. In some ways, they set the precedent that other industries have followed.

After the latest American mass shooting (this time at an elementary school), many federal legislators stoutly called for new gun control measures. But in the end, the US Senate defeated gun control measures that were widely supported by the public and would have expanded reasonable background checks to preclude gun purchases by those with criminal records or a history of mental illness.<sup>2</sup> The National Rifle Association, a gun industry-supported group, put enormous pressure on legislators and called for arming elementary school teachers (yes, you read that right) instead. Why not? Such a move would certainly shore up gun industry profits by increasing sales to schools.

A recent report described how Chevron, the tenth-largest oil company in the world, had decided to end its bio-fuels programme because the projected profit margin might be only 5%, one-third that to be made by selling oil.<sup>3</sup> Scientists formerly affiliated with the programme were bitterly disappointed. But the article's other point was that the company, once a supporter of California's

greenhouse gas reduction measures, was now fighting against them in order to protect its shareholder profits. Clearly, Chevron plans to continue selling and promoting the use of fossil fuels—and fighting measures to reduce our dependency on them—as long as it possibly can.

In each case, faced with clear knowledge about their products' effects on public health, corporate executives chose to follow a course of denial, avoidance, and/or obstructionism. They consciously chose a course that threatened public health on a large scale—and, in the latter case, now threatens even the survivability of a livable planet. But can we really afford to sustain these kinds of profits?

As many thinkers in tobacco control take up the idea of a tobacco 'endgame' (see *Tobacco Control* Vol. 22, Suppl. 1), we simply cannot afford to neglect the task of how to deal with the tobacco corporations. They are enormously powerful and they remain enormously profitable, despite the entire sector being characterised by many financial analysts as 'declining.' We cannot afford to hope that demand-side measures alone will cause them to simply shrivel up and go away as prevalence drops in higher income countries. Nothing in the history of these companies—up to and including their acquisition and development of various alternative tobacco and nicotine products—suggests either an interest in or a willingness to initiate a shift away from cigarettes as their primary source of profits unless and until they are made to do so. Nothing in the history of these companies suggests they are ready to abandon their roles as global vectors of the tobacco disease epidemic.

Accordingly, we need to demand that governments use their power to protect public health, and laud those that do so, especially in the face of industry aggression. The United Nations Human Rights Council endorsed the Guiding Principles on Business and Human Rights in 2011.<sup>4 5</sup> These principles make clear that governments have a 'duty to protect' people from human rights violations perpetrated by businesses. And, as others

have argued,<sup>6</sup> the Framework Convention on Tobacco Control is itself derivative from earlier international human rights conventions, and tobacco control may be seen as equally essential to ensuring the right to health as clean water and other examples.

Ending the tobacco epidemic requires thinking beyond individual behaviour, or even community and family behaviour, to corporate activity and its impacts. As Robert West has argued, 'The greatest challenge to improving health may lie in the tension between wealth- and health-creation. Most, if not all, modern economies are built upon excessive consumption, to the detriment of population health and the sustainability of life on the planet. Reducing consumption requires re-thinking macro-economics to achieve prosperity without growth, a brave but vital initiative to curb the commercial determinants of health before the planet becomes too hostile to support human existence.'<sup>7</sup>

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