

## Better Regulation in practice: The Commercial Determinants of Health

The **commercial determinants of health (CDoH)** encompass the several ways in which industry's activities and its products influence health. This includes both positive impacts, such as the development of health-promoting products and services, and negative effects, particularly on non-communicable diseases (NCDs) and health inequities (Friel S, et al., 2023). While commercial entities can positively contribute to society, substantial evidence points to the negative health consequences stemming from the actions of some health-harming industries, particularly large multinational and transnational corporations. These entities are driven by profit, which often leads to prioritising their shareholder and organisational needs over the safeguarding of human and environmental health, and social cohesion (Gilmore AB, et al., 2023).

CDoH manifest through various means:

- **Products:** Notable examples include **unhealthy commodities** like tobacco, alcohol, ultra-processed foods, and fossil fuels. The production, marketing, affordability and availability of these products directly contribute to the global burden of NCDs. In the World Health Organisation (WHO) Europe Region, these four factors alone contribute to nearly 7,500 deaths per day, accounting for 25% of all deaths (World Health Organisation Regional Office for Europe, 2024).
- **Actions:** Beyond products, commercial actors engage in practices that indirectly affect health. This includes **marketing strategies** targeting vulnerable populations, such as children, **scientific practices** that misrepresent or downplay the harmful effects of their products, and shaping **labour market conditions** that impact workers' well-being.
- **Lobbying:** A significant aspect of CDoH is the exertion of political influence through activities like **lobbying**. Commercial actors attempt to shape policy outcomes to their advantage, aiming to prevent, weaken, or delay the implementation of public health regulations. They often exploit **regulatory approaches** by leveraging stakeholder consultations and impact assessments, pushing for industry-favourable alternatives like self-regulation, and promoting narratives that prioritise economic gains over health considerations. In that regard, it is imperative to consider CDoH when analysing the Better Regulation agenda, and the role of stakeholders in policy-making processes.

A major concern is the **conflict of interest** that arises when commercial entities participate in policy-making processes. Their inherent profit-driven motives can compromise the development of effective public health policies (Better Regulation for Better Health project, 2024). For instance, the tobacco industry's influence has historically delayed the

implementation of crucial tobacco control measures. Addressing this necessitates a multilevel governance system that prioritises public interests over commercial interests.

This involves recommendations on:

- **Stronger Regulation:** Robust regulatory frameworks are essential to curb the negative impacts of CDoH. Strategies include **stricter regulations on marketing**, particularly targeting children and vulnerable groups, **transparency measures** to expose industry lobbying efforts and funding, and **mechanisms to manage conflicts of interest**, including excluding conflicted industries from policy formulation.
- **Countering Narratives:** It is crucial to actively challenge industry narratives that prioritise economic benefits over public health. This can be achieved by highlighting the social costs associated with harmful products and practices and emphasising the long-term economic gains associated with improved population health.

Ultimately, combatting the detrimental effects of CDoH requires a **paradigm shift** in how society views progress. There is a pressing imperative to move beyond a sole focus on economic growth and embrace alternative models that prioritise human and planetary well-being, **fostering health-enabling environments** (Lacy-Nichols J, et al., 2023). Empowering citizens and civil society organisations (CSOs) to advocate for change is also crucial. By amplifying public concerns, holding commercial actors accountable, and building coalitions for effective policy changes stemming from co-design processes, CSOs can play a pivotal role in creating a healthier and more equitable society.

## Sources:

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