

**Non-market strategy as a framework for exploring commercial involvement in health policy: a primer**

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## **Abstract**

This paper outlines the role of non-market strategy and its relevance to public health. Three broad categories of non-market activity are described: corporate political activity, Corporate Social Responsibility (CSR) and legal activity, with examples relevant to public health. The importance to public health researchers of considering business activity through a non-market lens has been outlined. Using a non-market strategy perspective can assist with understanding the commercial determinants of health and analysing the writing of the 'rules of the game'.

## **Highlights**

- Businesses use non-market strategies to influence public health policy
- Non-market strategy can include political, social responsibility and legal activity
- Non-market strategy can enhance understanding of commercial determinants of health
- Analysis of non-market strategies can be undertaken with publicly available data

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1 **Non-market strategy as a framework for exploring commercial involvement in health**  
2 **policy: a primer**

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7 **4 Keywords: non-market strategy; public health, commercial interests; health policy**

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12 **6 Abstract**

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14 **Introduction**

15 There is a long history of research exploring how the behaviour of corporate commercial  
16 actors shapes public health, for example, uncovering the influence of the tobacco, alcohol and  
17 food industries on the development and implementation of public health policy (1-3). While  
18 research on the ‘commercial determinants of health’ has typically explored the specific  
19 actions of individual businesses or industries, approaches exploring the broader strategies of  
20 industry engagement with public policy have also been developed (1, 4). Such approaches  
21 are insightful and have yielded important new knowledge in this area, particularly within  
22 tobacco policy. However, current understandings of the specific actions, motivations and  
23 activities of single businesses and industries could potentially be enhanced by engaging with  
24 an analytical lens from the business literature that recasts these specific individual  
25 commercial and industry behaviours as a broader set of industry-wide general strategies  
26 whose overarching goal is to protect commercial interests(5). Within the business literature  
27 the activities of corporate commercial actors are often conceptualised as an organised and  
28 connected set of explicit actions known as ‘non-market strategy’. Development of a non-  
29 market strategy is primarily located in and driven by commercial objectives. An appreciation  
30 of corporate non-market strategy in a non-corporate setting can extend analyses of  
31 commercial influences by offering a view from the perspective of the business or industry  
32 itself – sometimes referred to as an ‘inside-out perspective’(6). Understanding commercial  
33 non-market strategy in the setting of public health may help public health researchers and  
34 policy-makers better identify, understand, and predict the actions of businesses and  
35 industries, and their likely impacts on public health; and thus contribute to the development  
36 of more effective public health policy.

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This paper draws on the business literature to provide a primer on how non-market strategy approaches are developed, and identifies examples of implementation of non-market strategies that are relevant to public health.

### **What is non-market strategy?**

Businesses operate in the ‘market’ through the development and maintenance of a range of products and services, supported by activities including advertising, promotion, and pricing, with the primary goal of making a profit. However, the ‘market’ does not exist in a vacuum and is not a neutral entity, being constricted and influenced by political, cultural and social forces, collectively referred to as the ‘non-market’(7, 8). This too requires development and maintenance by the business.

The market and non-market environments are sufficiently different that businesses may develop separate strategies to engage with both(7, 8). A non-market strategy is a deliberate group of actions addressing political, cultural and social issues in the non-market environment, with the ultimate purpose of improving the overall perceptions, operational ability, and performance of the business, thus creating additional value(9). For example, a non-market strategy might be developed to create market opportunities, defend against criticism, influence government policy and reduce legislative threats(8, 10). Non-market strategy recognises that issues in the non-market environment affect the profitability of a business, and that these issues can be managed strategically(7, 11). Thus market strategies position a business in the market place, whereas non-market strategies shape the market place, for example through affecting regulation or public opinion. Both strategies operate in a complementary way, and often simultaneously, in order to maintain and improve a

62 company's market position. While the 'rules of the game' are perhaps a given in the market,  
63 use of non-market strategy is about 'writing the rules of the game'(8).

### 65 **Components of non-market strategy**

66 Non-market strategy activities may include corporate political activity to access and influence  
67 politicians and regulators; Corporate Social Responsibility (CSR) initiatives to maintain or  
68 enhance the reputation of the business; and legal actions to maximise the competitive  
69 opportunities of the business. In practice, these three categories of activities are intertwined  
70 (12). For example, the line between corporate political activity and CSR is becoming  
71 increasingly blurred, with codes of practice, industry standards and voluntary agreements  
72 encapsulated within CSR programmes, as an alternative to regulation(13); these are then used  
73 as marketing tools. The three broad categories of non-market strategy activities are described  
74 in Table 1.

77 Using 'non-market strategy' as a conceptual lens may help public health researchers identify  
78 and understand the deliberate actions and strategies undertaken by individual business  
79 organisations and the wider industry, that are relevant to public health issues. We describe  
80 each of the three categories of a non-market strategy below.

### 82 **Corporate Political Activity**

83 While the primary focus of a business strategy is to increase sales to customers, a business  
84 will also be alert to the impact of government activity(14), and develop strategies for  
85 management of issues as they are proposed or arise. Government interventions in markets

1 86 may include the introduction of taxes, subsidies, regulation, trading schemes, and information  
2 87 campaigns that in turn may affect sales to customers(15).

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7 89 Businesses may choose to comply with the policy or regulations, or free-ride on the non-  
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9 90 market actions of other businesses; or they may seek to influence or restrict policy  
10  
11 91 introduction directly through corporate political activity(16, 17). Corporate political activity  
12  
13 92 is defined as any deliberate action intended to directly or indirectly influence government  
14  
15 93 policy or process(18). Activity is typically aimed at government departments and  
16  
17 94 stakeholders relevant to government; may be legal and ethical or not; and may include  
18  
19 95 competitors, governments, interest groups and others(16). Organizations that are able to gain  
20  
21 96 access to politicians or senior officials may be able to influence outcomes, and may have  
22  
23 97 reduced uncertainty in their operating environment (through enhanced or privileged access to  
24  
25 98 information)(14, 19). Access to government provides opportunity for businesses to provide  
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27 99 policy makers with specific information about their preferences on specific issues in order to  
28  
29 100 shape regulation or legislation, and may enable businesses to secure changes in public policy  
30  
31 101 (or even maintain the status quo)(20). Businesses with privileged access to information about  
32  
33 102 regulations, policies and emerging policy issues are better able to anticipate and/or shape  
34  
35 103 future regulations and adjust their market strategies accordingly(19). It is widely accepted  
36  
37 104 that businesses can influence policy processes to shape and control their competitive  
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39 105 environment(18).

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44 107 Businesses may adopt a range of corporate political activities that allow for organisational  
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46 108 advocacy, including the establishment and maintenance of direct ties to politicians and senior  
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48 109 officials(21). Examples of corporate political activities include lobbying, petitions, funding of  
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50 110 research, provision of information, financial contributions (including campaign funding),  
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111 development of personal long-term relationships with senior officials and politicians,  
112 revolving doors between the public and private sectors, and bribery and corruption(16, 21).  
113  
114 Businesses may also adopt strategies that include self-regulation, public advertising  
115 campaigns, and mobilization of grassroots campaigns in order to influence policy(22).  
116 Strategies to manage information and the business' reputation; and the formation of coalitions  
117 with allies that seek similar policy outcomes, including allies beyond their business-related  
118 groups, may also be used to support corporate political activity(22). For example, corporate  
119 political activities used by the alcohol industry in the UK include misrepresentation of  
120 scientific evidence(23), corporate lobbying (primarily through direct and long-term  
121 relationships with policymakers)(24) and media campaigns(24). Similarly, corporate political  
122 activity used by the Australian alcohol industry in response to the requirement for health  
123 warnings on labels included lobbying, financial contributions to political parties, pre-emptive  
124 introduction of voluntary, but lesser, labelling initiatives, and questioning of the evidence  
125 base for health warnings(25).

126

127 *Implementation of corporate political activity*

128 Design and implementation of the political component of non-market strategy is undertaken  
129 at a high level within businesses(19), with directors responsible for external affairs likely to  
130 be at the core of the design of the political strategy(26). The individual responsible for  
131 external affairs is likely to be embedded in a network of relationships across trade  
132 associations and lobbying companies. Along with members of the Board of Directors they  
133 would seek to form links with individuals in regulatory bodies, government departments, and  
134 politicians(17).

135

136 Lobbying requires a set of specific and identifiable processes to leverage political  
137 resources(26). Businesses may adopt an internal approach to lobbying, using in-house  
138 expertise, and/or may use trade associations and contract lobbyists(26). The design of the  
139 lobbying requires focussed management effort on how to affect public policy, for example  
140 which politicians to target and when, which network relationships to invest in and when(27),  
141 and whether to adopt a public or more behind-the-scenes approach(28). Within a business,  
142 the Board of Directors is likely to provide access to resources to support political actions, and  
143 access to information and opportunities. The Board will also make decisions on, for example,  
144 the individuals that will be targets for relationships for each of the executives(26). Each  
145 lobbying activity is likely to require concerted effort from the highest levels of the business.  
146 For example, Wal-Mart had the President and CEO of its International Division attend a  
147 meeting with then UK Prime Minister, Tony Blair, and others, arranged by the Liberal  
148 Democrat peer Lord Jacobs, at which the potential for Wal-Mart to enter the UK was  
149 discussed(28).

150  
151 Businesses that join networks, or enter into simple direct relationships with political actors,  
152 often coordinate their political activities (for example, campaign funding, direct lobbying and  
153 working with a trade association); they often integrate this political activity with the rest of  
154 their non-market strategy (for example, an industry-wide corporate social responsibility  
155 initiative or legal action); and the market and non-market strategies are likely to be designed  
156 to fit together(17). The circumstances, relationships and interactions are dynamic(17). Multi-  
157 national enterprises are faced with even greater complexity, as they are likely to be politically  
158 active in a number of political arenas simultaneously(16, 17, 29).

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160 *Influencers and drivers of corporate political activity*

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161 Corporate political activity can be affected by the organisational characteristics of the  
162 business, features of the markets and industries in which they operate, and aspects of the  
163 policy environment(17). Organisational characteristics that may affect political activity may  
164 include ownership structure(26), the history of the business(30), the power of the  
165 business(18), and its relationship with shareholders(31). The nature of the relationships of  
166 employees with national and local politicians and officials, legal counsel and interest groups  
167 will also influence the business' approach to political activity(26). Frequently changing rules  
168 and lack of enforcement are also conducive to corporate political action, with firms taking  
169 more political action in less stable political environments(18).

170 In addition, businesses have more incentive to become politically active when an industry is  
171 highly regulated (18). For example, tobacco industry efforts to influence marketing  
172 regulations have included lobbying and the provision or manipulation of evidence,  
173 constituency building to give the impression of wide support, proposing alternative policies,  
174 use of the legal system, and offering direct or indirect financial incentives(1).

175

### 176 *Constituency building*

177 Businesses may seek to create and maintain multi-stakeholder networks to support political  
178 activity(32) forming alliances with their competitors, suppliers, trade associations, trades  
179 unions, and also with academics, the media and NGOs. An effective stakeholder network will  
180 populate the information environment with a variety of messages, consistent with the  
181 interests of the business(3). Components may also include so-called 'astroturf' organisations,  
182 which appear to be genuine grassroots citizen groups, but have in fact been established by the  
183 business (or industry) for particular policy purposes(3); and 'bear-hug' arrangements, which  
184 involve paying a group to change its lobbying activity and to lobby on their behalf(33). For  
185 example, industry funded The Center for Consumer Freedom promotes personal

186 responsibility and consumer choice(34); and The Obesity Awareness and Solutions Trust  
187 caused a parliamentary inquiry into obesity in the United Kingdom, while failing to declare  
188 financial links to the weight-loss industry(35).

189

190 University-based researchers and the media can be important vehicles for connecting with  
191 popular opinion. Businesses may commission and report their own research; and seek to  
192 influence the media directly, for example through media ownership, advertising (and the  
193 threat of withdrawal of spend), public relations and spin(3). Astroturf and other business-  
194 funded organisations may be particularly effective with the media, able to attack critics of  
195 businesses while appearing to be independent(3). For example, the TaxPayers’ Alliance,  
196 which does not provide details of its funding but has right-wing political and business  
197 ties(36), has campaigned against the “sugar tax” and other health initiatives in the UK(37).  
198 While astroturf organisations may amplify ideas, think tanks seed new policy ideas (38).  
199 Presenting themselves as independent organisations that contribute to policy through  
200 conducting research and developing ideas, industry actors can provide important sources of  
201 funding that may call their independence into question. For example, Demos was engaged by  
202 SABMiller to produce reports on alcohol consumption, which were heavily promoted among  
203 policy makers at crucial moments during the development of the Government’s alcohol  
204 strategy(39), and the Institute of Economic Affairs, which has received funding from the  
205 tobacco industry, publicly lobbies against the plain packaging of cigarettes(40).

206 Industry activities undertaken to influence policy are likely to be undertaken in secrecy and  
207 data that might shed light on such activity would be deemed commercially sensitive and  
208 unlikely to be available. However, a corporate political activity lens can be usefully applied  
209 to some forms of publicly available data (for example, news articles and trade press(41);  
210 industry websites and reports(42), social media accounts(43), and submissions to public

211 consultations(23); and annual returns of political parties, websites of government departments  
212 and agencies(44), minutes of meetings, and Freedom of Information requests(28). Use of  
213 these forms of public data with such a lens may offer the opportunity to identify, describe and  
214 analyse corporate actions through the aggregate analysis of these sources(4, 45, 46).  
215 Aggregate analysis moves beyond the analysis of specific individual tactics, to identify  
216 broader patterns of individual actions that operate synergistically, linked actions across  
217 corporations, other industry-supporting organisations and sectors, and broader sector strategy.

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### **Corporate Social Responsibility**

221 The second broad category of ‘non-market strategy’ action is Corporate Social Responsibility  
222 (CSR). The CSR movement can be traced back to the employee wellbeing initiatives of large  
223 private companies during and after the Industrial Revolution of the 1880s. More recently,  
224 social and environmental movements, initially emerging during the 1970s and 1980s, have  
225 presented new challenges for business, to which CSR has become a widespread response.  
226 Corporate political activity and CSR may overlap, for example where voluntary agreements  
227 are included in CSR programmes as an alternative to regulation(13).

228  
229 CSR involves actions that go beyond mandatory requirements(47). For some businesses the  
230 value of the CSR activity may come from enhanced reputation and associations with  
231 changing consumer attitudes (48). In some industries, the overall increase in CSR reporting  
232 suggests that CSR activities have become necessary to simply gain acceptance of  
233 stakeholders(49).

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235 *Ethics and identity*

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236 A business' stance on ethics will influence the design and implementation of CSR initiatives.

237 For some businesses, ethical issues are intrinsic to the identity of the business, for example,

238 issues around animal testing were fundamental to the identity of The Body Shop(48);

239 whereas for other businesses ethical behaviour may be an attractive source of differentiation,

240 in order to generate a positive market response(50). For example, Coca Cola has been a

241 sponsor of the Olympic Games, and is a sponsor to Street Games, a sports based charity for

242 young people(51). A business' reputation is one of the most important intangible assets it has,

243 and maintenance of a positive reputation has become increasingly important for business(52).

244

#### 245 *Potential CSR responses*

246 CSR activity may include environmental initiatives (for example, initiatives improving

247 energy and water efficiency, and reducing waste) – which in many cases also promote some

248 tangible financial benefit to the business; and initiatives targeting employees, consumers

249 (including consumer health) and other stakeholders. For example, the UK food retailer Marks

250 and Spencer works with food banks and other local charities to redistribute surplus food as

251 part of their CSR plan(53). The CSR initiatives are likely to be coordinated and integrated in

252 order to achieve important objectives for the organisation(54). Thus the strategy may be

253 based on the organisation's cost-benefit analysis, as opposed to necessarily being effective in

254 social or environmental terms. CSR can yield benefits for the business (including reputation

255 management, product differentiation, first mover advantages and pre-empting government

256 regulation)(54); and can be deliberately designed to create competitive advantage for the

257 business, with a planned approach, allocation of business resources, and a focus on specific

258 stakeholders(48).

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260 Businesses may adopt self-regulation or codes of conduct in their CSR strategies to manage  
261 the risks associated with criticisms from the public or NGOs, and avoid negative press; to  
262 manage the risk of industry-wide negative press; and to attempt to shape government or  
263 industry-wide regulations(13). Businesses may commission organisations to deliver CSR  
264 activities on their behalf, for example, the major food retailer Tesco contributes funding to  
265 The Sustainability Consortium at Manchester University(55). In addition, businesses can  
266 encourage industry-wide adoption of self-regulation, thus creating a level playing field in the  
267 market environment, for example voluntarily introducing labelling requirements(25).

268  
269 Other examples of strategic CSR include philanthropy - for example, Nestle has taught  
270 children aged 5-14 about hygiene and nutrition in Brazil(56); and re-engineering of the value  
271 chain – for example the conversion of Starbucks and Costa coffee shops in the UK to  
272 Fairtrade coffee(54).

273  
274 NGO-business partnerships may also be used as part of a CSR approach. For example,  
275 Unilever has formed partnerships with a number of NGOs, including World Wildlife Fund  
276 and the Global Nature Fund(56); Coca-Cola has partnered with health-focused NGO, The  
277 Global Fund(57); and Nestle has partnered with EcoLink in South Africa(56).

278  
279 Adoption of self-regulation and co-regulation initiatives in health policy through CSR  
280 approaches has been widely criticised by public health actors, with critics claiming their  
281 development creates unavoidable conflicts of interest(58), and that the initiatives have limited  
282 evidence of effectiveness(59). In addition, government involvement in CSR initiatives may  
283 legitimise and promote corporate interests without addressing health needs(60).

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285 **Legal strategy**

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2 286 The final broad category of non-market activity is the development of a legal strategy. Some  
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5 287 businesses have adopted sophisticated legal strategies that add value to their business through  
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7 288 preservation of rights, protecting assets and sustaining competitive advantage(61). The legal  
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10 289 strategies adopted will depend on the business' legal capabilities and resources, and can  
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12 290 involve a variety of issues including contracts, patents, environmental issues, planning issues  
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14 291 and free-trade disputes. Industry may also use Freedom of Information Act processes in an  
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17 292 attempt to obtain primary data from university-based researchers, as in the case of Phillip  
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19 293 Morris approaching the University of Stirling(62). As with other non-market strategy activity,  
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22 294 the purpose of taking legal action is to add value to the business, and the decision to enter the  
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24 295 legal arena is an investment decision(61).

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29 297 A business may take legal action against local, regional or national governments, against  
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31 298 international bodies (for example the European Union), or against competitors for a range of  
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34 299 reasons, for example, to influence regulation, hinder the entry of new competitors, sue  
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36 300 competitors for publicly criticising their business, harm rivals, or upon detection of illegal  
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39 301 behaviour by a competitor(11).

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43 303 Legal activities can be an important component of a non-market strategy, allowing a business  
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46 304 to move an issue from the market or bureaucratic arena, to the courts. For example, in  
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49 305 responding to the proposed ban on the sale of large serve sugar sweetened beverages in New  
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51 306 York, the American Beverage Association sued New York City on a point of process,  
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53 307 claiming that new legislation and a public consultation was required before the ban could take  
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56 308 effect. By opening the issue up to public consultation, the industry was seeking to move the  
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58 309 debate away from the regulators, and into the courts (where the industry's legal resources



1 310 could be applied) and the public arena, where the industry was well placed to manage the  
2 311 issue via its other non-market strategy activities. Tapping into strongly held values of  
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4 312 freedom, choice and independence, the publicity campaign was very effective and created a  
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7 313 public environment that was increasingly hostile to the proposed ban (which was  
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9 314 subsequently not implemented)(6).

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14 316 *Collective and individual legal actions*

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17 317 Businesses can pursue collective legal actions, for example through a trade body, or they may  
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19 318 act alone. Individual actions are undertaken by a single business to maintain or enhance its  
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22 319 own reputation and competitive position(63). Collective actions are more likely to surface  
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24 320 when the industry as a whole (as opposed to individual businesses) is targeted by an  
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26 321 influential group, or threatened with sanctions, which prompt a challenge to the legitimacy of  
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29 322 the industry in its entirety(63) (as in the case of the proposed ban on large serve soft drinks in  
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31 323 New York described above). When collective actions are supported by the leading businesses  
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34 324 in the industry they are even more likely to emerge(63). For example, the Scotch Whisky  
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36 325 Association was joined by the European Wine Committee and the European Spirits  
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39 326 Organisation in their petition for Judicial Review on Minimum Unit Pricing of alcohol in  
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41 327 Scotland(64); an action that delayed its introduction by several years.

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46 329 **Conclusion**

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49 330 We have provided a primer on the key components of corporate non-market strategy and  
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51 331 illustrated why taking such an ‘inside-out perspective’ may have utility in helping to better  
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53 332 understand how corporate action may impact on public health. An appreciation of non-market  
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56 333 strategy may help researchers systematically consider how the activities of businesses and  
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58 334 industries have an impact on health by including a broader range of actors, considering the  
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1 335 connections between actors, exploring corporate activity over a longer timeframe, and  
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3 336 recognising broad patterns of activity. For example, revealing connections between potential  
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5 337 astro-turf organisations, bear-hug arrangements, networks and key individuals; and the  
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7 338 public, private, bureaucratic and regulatory arenas in which these actors meet. Examples of  
8  
9 339 activities that may be identified include: development of relationships and coalitions,  
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11 340 lobbying, reciprocity, provision and use of information, commissioning of research, financial  
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13 341 contributions, bribery and corruption, self-regulation, advertising and public relations  
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15 342 campaigns, mobilising grassroots' campaigns, environmental initiatives, philanthropy,  
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17 343 initiatives targeting employees/consumers, partnerships with NGOs and litigation.  
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24 345 Public health researchers may combine a non-market strategy lens with other approaches, for  
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26 346 example systems thinking(65) to meet public health objectives. Use of non-market strategy as  
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28 347 a framework for understanding business' activities may help researchers identify a wider  
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30 348 range of activities, connections between activities, and patterns of activities, potentially  
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32 349 leading to increased understanding of both the strategic response of a business or industry,  
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34 350 and the evolution of an issue over time. In addition, understanding the relationship between a  
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36 351 business' market and non-market strategy will assist with identifying the limitations of  
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38 352 specific policy interventions designed to improve public health.  
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46 354 Research on the commercial determinants of health have typically focused on the specific  
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48 355 actions of individual businesses or industries. However, the business literature suggests that it  
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50 356 is important to take a wider perspective and recognise that corporate entities develop broad  
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52 357 non-market strategies to manage political, cultural and social risks to their business. Non-  
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54 358 market strategies may include corporate political activities (for example lobbying), Corporate  
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56 359 Social Responsibility plans (for example, sponsorship), and legal actions against competitors  
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1 360 and governments. Businesses may work with others (for example through trade associations)  
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3 361 or alone to implement their non-market strategies. Drawing on the business literature, we  
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5 362 describe non-market strategy approaches, with examples relevant to public health. We  
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7 363 propose the use of non-market strategy as a lens for exploring business activity in public  
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9 364 health in order to help identify a broader range of actors, consider corporate activity over a  
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11 365 longer timeframe, recognise connections between actors, and connect broad patterns of  
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13 366 activity. Understanding the relationships between a commercial organisations market and  
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15 367 non-market strategy will assist with the optimisation of policies designed to change industry  
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17 368 behaviour in order to improve public health.  
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1 **Non-market strategy as a framework for exploring commercial involvement in health**

2 **policy: a primer**

3

4 **Keywords: non-market strategy; public health, commercial interests; health policy**

5

6 **Abstract**

7 This paper outlines the role of non-market strategy and its relevance to public health. Three  
8 broad categories of non-market activity are described: corporate political activity, Corporate  
9 Social Responsibility (CSR) and legal activity, with examples relevant to public health. The  
10 importance to public health researchers of considering business activity through a non-market  
11 lens has been outlined. Using a non-market strategy perspective can assist with understanding  
12 the commercial determinants of health and analysing the writing of the ‘rules of the game’.

13



14 **Introduction**

15 There is a long history of research exploring how the behaviour of corporate commercial  
16 actors shapes public health, for example, uncovering the influence of the tobacco, alcohol and  
17 food industries on the development and implementation of public health policy (1-3). While  
18 research on the ‘commercial determinants of health’ has typically explored the specific  
19 actions of individual businesses or industries, approaches exploring the broader strategies of  
20 industry engagement with public policy have also been developed (1, 4). Such approaches  
21 are insightful and have yielded important new knowledge in this area, particularly within  
22 tobacco policy. However, current understandings of the specific actions, motivations and  
23 activities of single businesses and industries could potentially be enhanced by engaging with  
24 an analytical lens from the business literature that recasts these specific individual  
25 commercial and industry behaviours as a broader set of industry-wide general strategies  
26 whose overarching goal is to protect commercial interests(5). Within the business literature  
27 the activities of corporate commercial actors are often conceptualised as an organised and  
28 connected set of explicit actions known as ‘non-market strategy’. Development of a non-  
29 market strategy is primarily located in and driven by commercial objectives. An appreciation  
30 of corporate non-market strategy in a non-corporate setting can extend analyses of  
31 commercial influences by offering a view from the perspective of the business or industry  
32 itself – sometimes referred to as an ‘inside-out perspective’(6). Understanding commercial  
33 non-market strategy in the setting of public health may help public health researchers and  
34 policy-makers better identify, understand, and predict the actions of businesses and  
35 industries, and their likely impacts on public health; and thus contribute to the development  
36 of more effective public health policy.

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This paper draws on the business literature to provide a primer on how non-market strategy approaches are developed, and identifies examples of implementation of non-market strategies that are relevant to public health.

### **What is non-market strategy?**

Businesses operate in the ‘market’ through the development and maintenance of a range of products and services, supported by activities including advertising, promotion, and pricing, with the primary goal of making a profit. However, the ‘market’ does not exist in a vacuum and is not a neutral entity, being constricted and influenced by political, cultural and social forces, collectively referred to as the ‘non-market’(7, 8). This too requires development and maintenance by the business.

The market and non-market environments are sufficiently different that businesses may develop separate strategies to engage with both(7, 8). A non-market strategy is a deliberate group of actions addressing political, cultural and social issues in the non-market environment, with the ultimate purpose of improving the overall perceptions, operational ability, and performance of the business, thus creating additional value(9). For example, a non-market strategy might be developed to create market opportunities, defend against criticism, influence government policy and reduce legislative threats(8, 10). Non-market strategy recognises that issues in the non-market environment affect the profitability of a business, and that these issues can be managed strategically(7, 11). Thus market strategies position a business in the market place, whereas non-market strategies shape the market place, for example through affecting regulation or public opinion. Both strategies operate in a complementary way, and often simultaneously, in order to maintain and improve a

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company's market position. While the 'rules of the game' are perhaps a given in the market, use of non-market strategy is about 'writing the rules of the game'(8).

### **Components of non-market strategy**

Non-market strategy activities may include corporate political activity to access and influence politicians and regulators; Corporate Social Responsibility (CSR) initiatives to maintain or enhance the reputation of the business; and legal actions to maximise the competitive opportunities of the business. In practice, these three categories of activities are intertwined (12). For example, the line between corporate political activity and CSR is becoming increasingly blurred, with codes of practice, industry standards and voluntary agreements encapsulated within CSR programmes, as an alternative to regulation(13); these are then used as marketing tools. The three broad categories of non-market strategy activities are described in Table 1.

Using 'non-market strategy' as a conceptual lens may help public health researchers identify and understand the deliberate actions and strategies undertaken by individual business organisations and the wider industry, that are relevant to public health issues. We describe each of the three categories of a non-market strategy below.

### **Corporate Political Activity**

While the primary focus of a business strategy is to increase sales to customers, a business will also be alert to the impact of government activity(14), and develop strategies for management of issues as they are proposed or arise. Government interventions in markets

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3 86 may include the introduction of taxes, subsidies, regulation, trading schemes, and information  
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5 87 campaigns that in turn may affect sales to customers(15).

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8 89 Businesses may choose to comply with the policy or regulations, or free-ride on the non-

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10 90 market actions of other businesses; or they may seek to influence or restrict policy

11  
12 91 introduction directly through corporate political activity(16, 17). Corporate political activity

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14 92 is defined as any deliberate action intended to directly or indirectly influence government

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16 93 policy or process(18). Activity is typically aimed at government departments and

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18 94 stakeholders relevant to government; may be legal and ethical or not; and may include

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20 95 competitors, governments, interest groups and others(16). Organizations that are able to gain

21  
22 96 access to politicians or senior officials may be able to influence outcomes, and may have

23  
24 97 reduced uncertainty in their operating environment (through enhanced or privileged access to

25  
26 98 information)(14, 19). Access to government provides opportunity for businesses to provide

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28 99 policy makers with specific information about their preferences on specific issues in order to

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30 100 shape regulation or legislation, and may enable businesses to secure changes in public policy

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32 101 (or even maintain the status quo)(20). Businesses with privileged access to information about

33  
34 102 regulations, policies and emerging policy issues are better able to anticipate and/or shape

35  
36 103 future regulations and adjust their market strategies accordingly(19). It is widely accepted

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38 104 that businesses can influence policy processes to shape and control their competitive

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40 105 environment(18).

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44 107 Businesses may adopt a range of corporate political activities that allow for organisational

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46 108 advocacy, including the establishment and maintenance of direct ties to politicians and senior

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48 109 officials(21). Examples of corporate political activities include lobbying, petitions, funding of

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50 110 research, provision of information, financial contributions (including campaign funding),

111 development of personal long-term relationships with senior officials and politicians,  
112 revolving doors between the public and private sectors, and bribery and corruption(16, 21).  
113  
114 Businesses may also adopt strategies that include self-regulation, public advertising  
115 campaigns, and mobilization of grassroots campaigns in order to influence policy(22).  
116 Strategies to manage information and the business' reputation; and the formation of coalitions  
117 with allies that seek similar policy outcomes, including allies beyond their business-related  
118 groups, may also be used to support corporate political activity(22). For example, corporate  
119 political activities used by the alcohol industry in the UK include misrepresentation of  
120 scientific evidence(23), corporate lobbying (primarily through direct and long-term  
121 relationships with policymakers)(24) and media campaigns(24). Similarly, corporate political  
122 activity used by the Australian alcohol industry in response to the requirement for health  
123 warnings on labels included lobbying, financial contributions to political parties, pre-emptive  
124 introduction of voluntary, but lesser, labelling initiatives, and questioning of the evidence  
125 base for health warnings(25).

126

### 127 *Implementation of corporate political activity*

128 Design and implementation of the political component of non-market strategy is undertaken  
129 at a high level within businesses(19), with directors responsible for external affairs likely to  
130 be at the core of the design of the political strategy(26). The individual responsible for  
131 external affairs is likely to be embedded in a network of relationships across trade  
132 associations and lobbying companies. Along with members of the Board of Directors they  
133 would seek to form links with individuals in regulatory bodies, government departments, and  
134 politicians(17).

135

136 Lobbying requires a set of specific and identifiable processes to leverage political  
137 resources(26). Businesses may adopt an internal approach to lobbying, using in-house  
138 expertise, and/or may use trade associations and contract lobbyists(26). The design of the  
139 lobbying requires focussed management effort on how to affect public policy, for example  
140 which politicians to target and when, which network relationships to invest in and when(27),  
141 and whether to adopt a public or more behind-the-scenes approach(28). Within a business,  
142 the Board of Directors is likely to provide access to resources to support political actions, and  
143 access to information and opportunities. The Board will also make decisions on, for example,  
144 the individuals that will be targets for relationships for each of the executives(26). Each  
145 lobbying activity is likely to require concerted effort from the highest levels of the business.  
146 For example, Wal-Mart had the President and CEO of its International Division attend a  
147 meeting with then UK Prime Minister, Tony Blair, and others, arranged by the Liberal  
148 Democrat peer Lord Jacobs, at which the potential for Wal-Mart to enter the UK was  
149 discussed(28).

150  
151 Businesses that join networks, or enter into simple direct relationships with political actors,  
152 often coordinate their political activities (for example, campaign funding, direct lobbying and  
153 working with a trade association); they often integrate this political activity with the rest of  
154 their non-market strategy (for example, an industry-wide corporate social responsibility  
155 initiative or legal action); and the market and non-market strategies are likely to be designed  
156 to fit together(17). The circumstances, relationships and interactions are dynamic(17). Multi-  
157 national enterprises are faced with even greater complexity, as they are likely to be politically  
158 active in a number of political arenas simultaneously(16, 17, 29).

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160 *Influencers and drivers of corporate political activity*

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161 Corporate political activity can be affected by the organisational characteristics of the  
162 business, features of the markets and industries in which they operate, and aspects of the  
163 policy environment(17). Organisational characteristics that may affect political activity may  
164 include ownership structure(26), the history of the business(30), the power of the  
165 business(18), and its relationship with shareholders(31). The nature of the relationships of  
166 employees with national and local politicians and officials, legal counsel and interest groups  
167 will also influence the business' approach to political activity(26). Frequently changing rules  
168 and lack of enforcement are also conducive to corporate political action, with firms taking  
169 more political action in less stable political environments(18).

170 In addition, businesses have more incentive to become politically active when an industry is  
171 highly regulated (18). For example, tobacco industry efforts to influence marketing  
172 regulations have included lobbying and the provision or manipulation of evidence,  
173 constituency building to give the impression of wide support, proposing alternative policies,  
174 use of the legal system, and offering direct or indirect financial incentives(1).

175

### 176 *Constituency building*

177 Businesses may seek to create and maintain multi-stakeholder networks to support political  
178 activity(32) forming alliances with their competitors, suppliers, trade associations, trades  
179 unions, and also with academics, the media and NGOs. An effective stakeholder network will  
180 populate the information environment with a variety of messages, consistent with the  
181 interests of the business(3). Components may also include so-called 'astroturf' organisations,  
182 which appear to be genuine grassroots citizen groups, but have in fact been established by the  
183 business (or industry) for particular policy purposes(3); and 'bear-hug' arrangements, which  
184 involve paying a group to change its lobbying activity and to lobby on their behalf(33). For  
185 example, industry funded The Center for Consumer Freedom promotes personal

186 responsibility and consumer choice(34); and The Obesity Awareness and Solutions Trust  
187 caused a parliamentary inquiry into obesity in the United Kingdom, while failing to declare  
188 financial links to the weight-loss industry(35).

189

190 University-based researchers and the media can be important vehicles for connecting with  
191 popular opinion. Businesses may commission and report their own research; and seek to  
192 influence the media directly, for example through media ownership, advertising (and the  
193 threat of withdrawal of spend), public relations and spin(3). Astroturf and other business-  
194 funded organisations may be particularly effective with the media, able to attack critics of  
195 businesses while appearing to be independent(3). For example, the TaxPayers’ Alliance,  
196 which does not provide details of its funding but has right-wing political and business  
197 ties(36), has campaigned against the “sugar tax” and other health initiatives in the UK(37).  
198 While astroturf organisations may amplify ideas, think tanks seed new policy ideas (38).  
199 Presenting themselves as independent organisations that contribute to policy through  
200 conducting research and developing ideas, industry actors can provide important sources of  
201 funding that may call their independence into question. For example, Demos was engaged by  
202 SABMiller to produce reports on alcohol consumption, which were heavily promoted among  
203 policy makers at crucial moments during the development of the Government’s alcohol  
204 strategy(39), and the Institute of Economic Affairs, which has received funding from the  
205 tobacco industry, publicly lobbies against the plain packaging of cigarettes(40).

206 Industry activities undertaken to influence policy are likely to be undertaken in secrecy and  
207 data that might shed light on such activity would be deemed commercially sensitive and  
208 unlikely to be available. However, a corporate political activity lens can be usefully applied  
209 to some forms of publicly available data (for example, news articles and trade press(41);  
210 industry websites and reports(42), social media accounts(43), and submissions to public



1 211 consultations(23); and annual returns of political parties, websites of government departments  
2  
3 212 and agencies(44), minutes of meetings, and Freedom of Information requests(28)). Use of  
4  
5 213 these forms of public data with such a lens may offer the opportunity to identify, describe and  
6  
7 214 analyse corporate actions through the aggregate analysis of these sources(4, 45, 46).

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10 215 Aggregate analysis moves beyond the analysis of specific individual tactics, to identify  
11  
12 216 broader patterns of individual actions that operate synergistically, linked actions across  
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14 217 corporations, other industry-supporting organisations and sectors, and broader sector strategy.  
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21  
22 **Corporate Social Responsibility**  
23

24 221 The second broad category of ‘non-market strategy’ action is Corporate Social Responsibility  
25  
26 222 (CSR). The CSR movement can be traced back to the employee wellbeing initiatives of large  
27  
28 223 private companies during and after the Industrial Revolution of the 1880s. More recently,  
29  
30 224 social and environmental movements, initially emerging during the 1970s and 1980s, have  
31  
32 225 presented new challenges for business, to which CSR has become a widespread response.  
33  
34 226 Corporate political activity and CSR may overlap, for example where voluntary agreements  
35  
36 227 are included in CSR programmes as an alternative to regulation(13).  
37  
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39 228  
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41 229 CSR involves actions that go beyond mandatory requirements(47). For some businesses the  
42  
43 230 value of the CSR activity may come from enhanced reputation and associations with  
44  
45 231 changing consumer attitudes (48). In some industries, the overall increase in CSR reporting  
46  
47 232 suggests that CSR activities have become necessary to simply gain acceptance of  
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49 233 stakeholders(49).  
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52 234  
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54 *Ethics and identity*  
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236 A business' stance on ethics will influence the design and implementation of CSR initiatives.  
237 For some businesses, ethical issues are intrinsic to the identity of the business, for example,  
238 issues around animal testing were fundamental to the identity of The Body Shop(48);  
239 whereas for other businesses ethical behaviour may be an attractive source of differentiation,  
240 in order to generate a positive market response(50). For example, Coca Cola has been a  
241 sponsor of the Olympic Games, and is a sponsor to Street Games, a sports based charity for  
242 young people(51). A business' reputation is one of the most important intangible assets it has,  
243 and maintenance of a positive reputation has become increasingly important for business(52).

244

#### 245 *Potential CSR responses*

246 CSR activity may include environmental initiatives (for example, initiatives improving  
247 energy and water efficiency, and reducing waste) – which in many cases also promote some  
248 tangible financial benefit to the business; and initiatives targeting employees, consumers  
249 (including consumer health) and other stakeholders. For example, the UK food retailer Marks  
250 and Spencer works with food banks and other local charities to redistribute surplus food as  
251 part of their CSR plan(53). The CSR initiatives are likely to be coordinated and integrated in  
252 order to achieve important objectives for the organisation(54). Thus the strategy may be  
253 based on the organisation's cost-benefit analysis, as opposed to necessarily being effective in  
254 social or environmental terms. CSR can yield benefits for the business (including reputation  
255 management, product differentiation, first mover advantages and pre-empting government  
256 regulation)(54); and can be deliberately designed to create competitive advantage for the  
257 business, with a planned approach, allocation of business resources, and a focus on specific  
258 stakeholders(48).

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260 Businesses may adopt self-regulation or codes of conduct in their CSR strategies to manage  
261 the risks associated with criticisms from the public or NGOs, and avoid negative press; to  
262 manage the risk of industry-wide negative press; and to attempt to shape government or  
263 industry-wide regulations(13). Businesses may commission organisations to deliver CSR  
264 activities on their behalf, for example, the major food retailer Tesco contributes funding to  
265 The Sustainability Consortium at Manchester University(55). In addition, businesses can  
266 encourage industry-wide adoption of self-regulation, thus creating a level playing field in the  
267 market environment, for example voluntarily introducing labelling requirements(25).

268  
269 Other examples of strategic CSR include philanthropy - for example, Nestle has taught  
270 children aged 5-14 about hygiene and nutrition in Brazil(56); and re-engineering of the value  
271 chain – for example the conversion of Starbucks and Costa coffee shops in the UK to  
272 Fairtrade coffee(54).

273  
274 NGO-business partnerships may also be used as part of a CSR approach. For example,  
275 Unilever has formed partnerships with a number of NGOs, including World Wildlife Fund  
276 and the Global Nature Fund(56); Coca-Cola has partnered with health-focused NGO, The  
277 Global Fund(57); and Nestle has partnered with EcoLink in South Africa(56).

278  
279 Adoption of self-regulation and co-regulation initiatives in health policy through CSR  
280 approaches has been widely criticised by public health actors, with critics claiming their  
281 development creates unavoidable conflicts of interest(58), and that the initiatives have limited  
282 evidence of effectiveness(59). In addition, government involvement in CSR initiatives may  
283 legitimise and promote corporate interests without addressing health needs(60).

284

285 **Legal strategy**

1  
2 286 The final broad category of non-market activity is the development of a legal strategy. Some  
3  
4  
5 287 businesses have adopted sophisticated legal strategies that add value to their business through  
6  
7 288 preservation of rights, protecting assets and sustaining competitive advantage(61). The legal  
8  
9  
10 289 strategies adopted will depend on the business' legal capabilities and resources, and can  
11  
12 290 involve a variety of issues including contracts, patents, environmental issues, planning issues  
13  
14 291 and free-trade disputes. Industry may also use Freedom of Information Act processes in an  
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16  
17 292 attempt to obtain primary data from university-based researchers, as in the case of Phillip  
18  
19 293 Morris approaching the University of Stirling(62). As with other non-market strategy activity,  
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21  
22 294 the purpose of taking legal action is to add value to the business, and the decision to enter the  
23  
24 295 legal arena is an investment decision(61).

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29 297 A business may take legal action against local, regional or national governments, against  
30  
31 298 international bodies (for example the European Union), or against competitors for a range of  
32  
33  
34 299 reasons, for example, to influence regulation, hinder the entry of new competitors, sue  
35  
36 300 competitors for publicly criticising their business, harm rivals, or upon detection of illegal  
37  
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39 301 behaviour by a competitor(11).

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41 302

42  
43 303 Legal activities can be an important component of a non-market strategy, allowing a business  
44  
45  
46 304 to move an issue from the market or bureaucratic arena, to the courts. For example, in  
47  
48  
49 305 responding to the proposed ban on the sale of large serve sugar sweetened beverages in New  
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51 306 York, the American Beverage Association sued New York City on a point of process,  
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53 307 claiming that new legislation and a public consultation was required before the ban could take  
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56 308 effect. By opening the issue up to public consultation, the industry was seeking to move the  
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58 309 debate away from the regulators, and into the courts (where the industry's legal resources

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310 could be applied) and the public arena, where the industry was well placed to manage the  
311 issue via its other non-market strategy activities. Tapping into strongly held values of  
312 freedom, choice and independence, the publicity campaign was very effective and created a  
313 public environment that was increasingly hostile to the proposed ban (which was  
314 subsequently not implemented)(6).

### 316 *Collective and individual legal actions*

317 Businesses can pursue collective legal actions, for example through a trade body, or they may  
318 act alone. Individual actions are undertaken by a single business to maintain or enhance its  
319 own reputation and competitive position(63). Collective actions are more likely to surface  
320 when the industry as a whole (as opposed to individual businesses) is targeted by an  
321 influential group, or threatened with sanctions, which prompt a challenge to the legitimacy of  
322 the industry in its entirety(63) (as in the case of the proposed ban on large serve soft drinks in  
323 New York described above). When collective actions are supported by the leading businesses  
324 in the industry they are even more likely to emerge(63). For example, the Scotch Whisky  
325 Association was joined by the European Wine Committee and the European Spirits  
326 Organisation in their petition for Judicial Review on Minimum Unit Pricing of alcohol in  
327 Scotland(64); an action that delayed its introduction by several years.

### 329 **Conclusion**

330 We have provided a primer on the key components of corporate non-market strategy and  
331 illustrated why taking such an ‘inside-out perspective’ may have utility in helping to better  
332 understand how corporate action may impact on public health. An appreciation of non-market  
333 strategy may help researchers systematically consider how the activities of businesses and  
334 industries have an impact on health by including a broader range of actors, considering the

1 335 connections between actors, exploring corporate activity over a longer timeframe, and  
2  
3 336 recognising broad patterns of activity. For example, revealing connections between potential  
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5 337 astro-turf organisations, bear-hug arrangements, networks and key individuals; and the  
6  
7 338 public, private, bureaucratic and regulatory arenas in which these actors meet. Examples of  
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9 339 activities that may be identified include: development of relationships and coalitions,  
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11 340 lobbying, reciprocity, provision and use of information, commissioning of research, financial  
12  
13 341 contributions, bribery and corruption, self-regulation, advertising and public relations  
14  
15 342 campaigns, mobilising grassroots' campaigns, environmental initiatives, philanthropy,  
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17 343 initiatives targeting employees/consumers, partnerships with NGOs and litigation.  
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23  
24 345 Public health researchers may combine a non-market strategy lens with other approaches, for  
25  
26 346 example systems thinking(65) to meet public health objectives. Use of non-market strategy as  
27  
28 347 a framework for understanding business' activities may help researchers identify a wider  
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30 348 range of activities, connections between activities, and patterns of activities, potentially  
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32 349 leading to increased understanding of both the strategic response of a business or industry,  
33  
34 350 and the evolution of an issue over time. In addition, understanding the relationship between a  
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36 351 business' market and non-market strategy will assist with identifying the limitations of  
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38 352 specific policy interventions designed to improve public health.  
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44 353  
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46 354 Research on the commercial determinants of health have typically focused on the specific  
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48 355 actions of individual businesses or industries. However, the business literature suggests that it  
49  
50 356 is important to take a wider perspective and recognise that corporate entities develop broad  
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52 357 non-market strategies to manage political, cultural and social risks to their business. Non-  
53  
54 358 market strategies may include corporate political activities (for example lobbying), Corporate  
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56 359 Social Responsibility plans (for example, sponsorship), and legal actions against competitors  
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1 360 and governments. Businesses may work with others (for example through trade associations)  
2  
3 361 or alone to implement their non-market strategies. Drawing on the business literature, we  
4  
5 362 describe non-market strategy approaches, with examples relevant to public health. We  
6  
7 363 propose the use of non-market strategy as a lens for exploring business activity in public  
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9 364 health in order to help identify a broader range of actors, consider corporate activity over a  
10  
11 365 longer timeframe, recognise connections between actors, and connect broad patterns of  
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13 366 activity. Understanding the relationships between a commercial organisations market and  
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15 367 non-market strategy will assist with the optimisation of policies designed to change industry  
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17 368 behaviour in order to improve public health.  
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**Table 1: Categories of Non-market activities**

<b>Category</b>	<b>Description</b>	<b>Examples</b>
Corporate Political Activity	Seeks to gain access to, and understanding from, politicians and regulators, and thus influence their behaviour(11)	Lobbying, petitions, funding of research, provision of information, financial contributions and sponsorship (including campaign funding), development of personal long term relationships, and bribery and corruption(14, 15).
Corporate Social Responsibility (CSR)	Focussed more on stakeholders than government, CSR recognises the importance of NGOs and public opinion, and the maintenance or enhancement of the reputation of the business. Some businesses are able to use CSR measures in their marketing(10)	Philanthropy, sponsorship, secondments, partnership arrangements with NGOs, environmental initiatives (e.g. energy and water efficiency), and initiatives aligned with customer health (e.g. reformulation of products and labelling).
Legal Actions	Generally aimed at potential rivals and competitors, at	Suing competitors for publicly criticising their

	<p>governments, or at maximising competitive opportunities (for example through development of innovative patenting arrangements). Can be collective as well as individual business activity.</p>	<p>business, alleged patent infringement, actions through the World Trade Organisation, or upon detection of illegal behaviour by a competitor(11). Businesses may also fund research to support legal action and initiate collective legal actions to challenge regulation or legislation.</p>
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CReDiT author statement

**Elizabeth Eastmure:** Conceptualisation, Writing – original draft preparation

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