



A JANUS-FACED FOOD INDUSTRY?

Ethical reflections on corporate
responsibility for health



Tjebbe Tempels

Propositions

1. The superhero credo “with great power comes great responsibility” also holds for food and beverage companies that are confronted with public health problems which are associated with unhealthy diets.
(*this thesis*)
2. The marketing of unhealthy food and beverage products to children is a morally reprehensible practice.
(*this thesis*)
3. Interdisciplinary research on deliberative democratic systems can be the key to remedying political apathy.
4. The pursuit of science should not be seen as “competitive sports” but as a “cooperative board game”.
5. In order to train truly all-round academics, PhD programs should be as much focused on the development of educational skills as they are on research skills.
6. Dystopias in literature, film and video games can foster the imagination that is necessary to reflect upon the ethical desirability of novel innovations.
7. For young people to grow into resilient and open-minded citizens they need to be confronted with ideas that fall outside of their comfort zone.

Propositions belonging to the thesis, entitled

A Janus-faced food industry? Ethical reflections on corporate responsibility for health

Tijde Tempels

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**A Janus-faced food industry?
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Thesis

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CHAPTER 1

Introduction

Chapter 1 Introduction

Every other Friday I stroll through the hallways of my local supermarket. I generally attempt to live a healthy life, and as such I try to eat and shop according to this goal. Therefore, my grocery list is frequently filled with ‘healthy’ products such as fresh vegetables, fruits, skimmed milk, and low-fat cookies. Nevertheless, after the check-out my basket often ends up filled with far less healthy products. Often I wonder: how did those caramel-nut Oreos end up here?

The most obvious answer is of course that *I* put them there: I choose to buy them and decide to actually eat them later on. Generally, we tend to argue that the food choices we make, and their consequences, are our own responsibility. Should I grow ill or become obese due to steady overconsumption of unhealthy products, then I am to blame. I could have constrained myself while shopping and I could have not eaten the whole pack of Oreos within one week. Also, I could have taken more care of my bodily energy balance. Why did I not go to the gym more? All these health affecting decisions are my own. And therefore – or so it seems – my health is my individual responsibility.

At the same time there is an increased debate on governmental level on how to deal with the rise of the obesity epidemic and increased prevalence of food-related non-communicable diseases (NCDs), such as type 2 diabetes and cardiovascular disease. The times that we conceived obesity as something that was mainly prevalent in the United States have well passed. In 2018 the World Health Organization (WHO) reported that over 39% of the global adult population was overweight, and 13% was obese (WHO, 2018). Also in the Netherlands the obesity epidemic is growing. In 1990 only one in three Dutch adults was either obese or overweight, but last year – in 2018 – the Dutch Ministry of Health reported that over 50% of adult population was overweight, and 15% was obese (Volksgezondheid.info, 2018).

According to the WHO, food-related NCDs are mainly due to two things: 1) physical inactivity and 2) unhealthy diets. For those reasons the organisation advocates that policies and strategies are to be set out that foster change on individual consumer level while also making modifications in society to make healthier choices more accessible and preferable (WHO, n.d.).

Concerned with the threat food-related NCDs pose for public health, many governments have started programs to mitigate the effects of unhealthy consumption, by informing the public about the risks of NCDs, making citizens more aware about how to eat healthily, while also stimulating adults and children to exercise more. There have been some efforts for stronger regulation of unhealthy food and beverage products¹, such as the soft drink taxes in the United Kingdom and Mexico, the European Parliament’s proposals for a mandatory front-of-pack nutrition logo and New York City’s proposed ban on large sodas (Andrews, Burton,

& Kees, 2011; Mytton, Clarke, & Rayner, 2012; Trigg, 2018; Wiley, Berman, & Blanke, 2013).

Yet, is health merely the responsibility of citizens and governments? By framing the debate on responsibility for food-related health harms in terms of individual responsibility and governmental responsibility we fail to address the elephant in the room, namely the food and beverage industry. For what about businesses and firms that are on a day-to-day basis producing the products that enable the rise of the obesity epidemic? Naturally, consumers might be able to make more healthy choices concerning the food they consume, and governments can develop public health policies and regulate food markets, but that does not mean we should not consider whether food and beverage firms themselves should not also take action to address food-related public health problems.

Over the past years the role of the industry has been actively put on the agenda by public health scholars, academics and social movements critical of the global food and beverage industry. For instance, public health scholars like Marion Nestle and David Stuckler are highly critical of the role of 'Big Food' and 'Big Soda' (McKee & Stuckler, 2018; Nestle, 2013, 2015, 2018; Stuckler, McKee, Shah, & Sanjay, 2012). In their work the industry is characterised as only caring about the 'bottom line': by pursuing profit, they disregard the health of consumer. As journalist Michael Moss puts it on the cover of his book 'Salt Sugar Fat': "We are hooked on salt, sugar and fat. These three simple ingredients are used by the major food companies to achieve the greatest possible allure for the lowest possible costs" (Moss, 2013). It is further argued that, by putting potentially harmful products on the market and enticing consumers into buying them, food producers and food retailers contribute to the rise of NCDs.

For this reason, these firms are said to engage in morally blameworthy behaviour. To adequately deal with the negative impact the industry has on health, strict governmental regulation in the form of bans and taxes are in order (Gilmore, Savell, & Collin, 2011; McKee & Stuckler, 2018; Stuckler et al., 2012; Yoon & Lam, 2013).

There is an intuitive appeal to this story of the critics of Big Food and Big Soda. The rise of NCDs can be considered problematic from a public health perspective, and the food and beverage industry is part of a system that is connected to these problems. Yet, from a philosophical perspective one can wonder whether and why this behaviour gives reason for moral concern. After all, these firms operate in a free market in which it is generally accepted that realising higher sales and increasing market share are desirable practices. The industry is frequently perceived as 'the big bad', but do food firms actually have a responsibility for public health – a responsibility that would exceed their obligation to abide to food safety laws? What normative considerations can underlie such a responsibility? And, *if* such moral responsibility can be established, does that imply that many food and beverage firms currently act *irresponsibly*? Can and should we see many products they sell to be

potentially harmful? Are the marketing practices in some way deceitful or manipulative? Or can we find a moral wrong in the way these firms contribute to an unhealthy eating environment and an obesogenic society?

In this dissertation I seek to answer these questions by unveiling whether and to what extent food and beverage companies have a responsibility for public health, and by reflecting on what taking this corporate responsibility can entail in practice. However, in order to understand the moral tensions in the practices in the food and beverage industry, it is first of importance to further clarify the relation between the industry and food-related public health problems.

I. Understanding the food industry's role in the rise of food-related health problems

The rise of non-communicable disease and unhealthy diets

Over the past forty years the WHO has been ringing the alarm bells to raise awareness and stimulate action to counter the rise of malnutrition and NCDs. NCDs are chronic diseases that can last a long time and are killing over 41 million people a year. While they often occur as a result of genetic, physiological, environmental and behavioural factors, they are strongly associated with an unhealthy lifestyle. In 2011 the then WHO chairman, Margaret Chan, addressed the United Nations stating that: “The worldwide increase of noncommunicable diseases is a slow-motion disaster, as most of these diseases develop over time. But unhealthy lifestyles that fuel these diseases are spreading with a stunning speed and sweep” (Chan, 2011). The notion of an unhealthy lifestyle is directly connected to our food consumption. Unhealthy diets foster high blood pressure, elevated blood lipids as well as obesity. These are metabolic risk factors for NCDs such as type 2 diabetes and cardiovascular disease (WHO, 2018).

Our global food system plays a part in this, in a seemingly contradictory way. On the one hand the system is unable to meet the global demand, leading people to be underfed, while at the same time an increasing number of people are suffering from overweight and obesity (Stuckler et al., 2012; Stuckler & Nestle, 2012). While paradoxical at first glance, overnutrition and undernutrition are different sides of the same coin, namely that of malnutrition. People, especially those living in poverty, frequently have little choice to opt for the healthier food, as the choice might not be available, or when it is, it is too expensive. This leaves society's poor with little choice: either they do not eat, or they opt for cheap high-processed food – that is usually high on salt, sugar and fat (Development Initiatives, 2018; Ratcliffe, 2018; Stuckler & Nestle, 2012).

Empirical studies also confirm that the consumption of unhealthy food products like soft drinks, red meat and ultra-processed foods has increased over the past years (Afshin et al., 2019; Imamura et al., 2015; Micha et al., 2015). Stuckler and colleagues showed how the consumption of unhealthy commodities between 1997

and 2010 grew steadily in low-, middle-, and high-income countries. They projected that the consumption of soft drinks and pre-packed foods would increase even more in the future (Stuckler et al., 2012). In one of the most recent analyses of global food consumption Afshin et al. (2019) confirm this projected trend. They show that in 2017 the daily intake of unhealthy foods far exceeded the recommended levels. Global consumption of for instance sugary beverages was 49 g per day, while the optimal intake is 0-5 g per day. Other unhealthy foods and ingredients also exceed the recommended levels: processed meat consumption was 90% greater, sodium intake was 86% greater, and the consumption of red meat was also 18% above the optimal intake level (Afshin et al., 2019).

It is highly likely that the continuous rise of NCDs is connected to the commercial activities of food and beverage companies, as the products they develop and market to a large extent determine what our diets look like. Hastings (2012) and Gilmore et al. (2011) even refer to this rise of food-related diseases as ‘industrial epidemics’, which are understood as: “epidemics emerging from the commercialization of potentially health damaging products” (Gilmore et al., 2011, p. 2). They argue that food and beverage multinationals like Nestlé, PepsiCo and Mondelez have – through production, marketing and involvement in science and politics – become the driving force behind the global obesity epidemic (Dorfman, Cheyne, Friedman, Wadud, & Gottlieb, 2012; Stuckler & Nestle, 2012).

To see whether this grim picture holds true, it is helpful to provide a concise overview of the kind of market and non-market activities food and beverage firms engage in. One can basically discern three ways in which firms can contribute to unhealthy consumption, namely through the design of specific products, marketing practices, as well as involvement in science and politics. In the following subsections I briefly outline how these practices work and in what way they impact public health.

I. Design and production

When it comes to product development, food and beverage producers frequently experiment with the *quality and composition* of products, *quantity* of the products, as well as the *product sizing*. Changes on these three variables have proven to affect people’s eating experience (palatability of products, sense of satiation) and as a result influence consumers’ decision-making processes (Chandon & Wansink, 2012).

In terms of *product quality and composition* several trends can be observed. In the first place there is an increased use of salt, sugar and fat in many products. This often improves flavour and palatability of a product but does not increase the satiety. When a product is very tasty and people do not get the feeling that they have eaten enough, this results in people consuming more of these kinds of products. Adding these ingredients fits within the trend of the creation of calorie-dense products. Consumption of such products leads to a high energy uptake. This does not necessarily lead to health problems as long as people do not overconsume these

products. However, in practice, people tend to overconsume these products because of their high palatability (Chandon & Wansink, 2012; Moss, 2013)

Regarding *product quantity* and *product size* there has been a trend of companies increasing the size of their product packaging as well as the size of servings. For many companies this is interesting to do, as larger packages mean lower packaging costs, leaving room for lower unit prices and the opportunity to increase consumer value. The practice of ‘supersizing’ and ‘size relabelling’ (e.g. relabelling a large-sized product as medium-sized) fits within this trend. Both practices gained prominence in the market as larger servings result in greater absolute profit margins – as “the marginal costs of extra food for the company is minimal compared to the perceived value for the consumer” (Chandon & Wansink, 2012, p. 582; Dobson & Gerstner, 2010). Research has shown that people are often unaware of the nutritional value of these resized products and tend to consume them like ‘normal’ portions, resulting in greater calorie intake (Chandon & Wansink, 2012; Young & Nestle, 2002)

II. Marketing

While there is a wide variety of marketing techniques, three types of marketing practices are prominent in the food and beverage industry, namely *pricing strategies*, *product communication* and *changes in the consumption environment*.

Research on *pricing strategies* reveals that low prices of retail food tend to increase the sales of numerous products. The short-term price drops yield similar results. The price reduction for instance mitigates the feelings of guilt more often when buying unhealthy products. However, apart from buying more of these products (e.g. stockpiling), people also are more inclined to consume more of these products. Pricing is shown to be one of the strongest factors determining increased energy intake and increased chances of developing obesity, and it mostly affects low-income consumers (Chandon & Wansink, 2012).

Food marketing practices in the form of *product communication* also significantly impact food consumption of both children and adults. For young consumers products are often promoted through character-branded products, the gamification of products, and by providing free gifts, enticing them to consume more of these (often not particularly healthy) products. Furthermore, there is the issue of the ‘health halo’, which can surround a product when specific health claims are made (like ‘immunity boosting’ Rice Krispies), or when a single healthy element of a product is highlighted (“Granola Bars! - Now with 0% fat”). The effect of the halo is that consumers tend to deem the entire product healthy, based on one single healthy feature, while the product as a whole might not be as healthy at all (it can be high on calories despite the immunity boost, or low on fat, while it is high on sugar) (Chandon & Wansink, 2012; Elliott, 2015).

Lastly, there is the *eating environment* itself, as product placement and the mere availability of product can steer consumption patterns. For instance, the availability of food in what are traditionally considered to be non-food stores (drugstores, gas stations etc.) have shown to further drive food intake. Also the increased presence of food shops and stores have increased food consumption. The proximity and density of fast food chains in urban areas are a good indicator for population obesity rates. As such changes in the eating environment can directly affect access, salience and convenience, making increased food consumption easier, thus contributing to what has been labelled the obesogenic society (Currie, DellaVigna, Moretti, & Pathania, 2009).

III. Involvement in science and politics

Next to regular market activities many of the larger food and beverage companies are actively involved in non-market activities (Miller & Harkins, 2010; Nestle, 2013, 2015). There have been numerous accounts of companies trying to influence and shape the political agenda, sometimes effectively lobbying against governmental programs that seek to improve public health. Examples of this are the lobby against proposed beverage regulation (e.g. the New York's soda cap and the Mexican soda tax), the opposition to the Danish fat tax, as well as the lobby against the European Parliament's proposal to include mandatory front-of-pack nutrition logos on prepacked foods (Bateman-House, Bayer, Colgrove, Fairchild, & McMahon, 2017; Bødker, Pisinger, Toft, & Jørgensen, 2015; Kurzer & Cooper, 2013). Industry partners are forwarding their position by engaging in a variety of tactics, ranging from threatening with lawsuits and astroturfing, to stressing possible welfare losses and casting doubt on scientific evidence (O'Connor, 2015, 2016). Sometimes these tactics pay off. In the cases of New York, Denmark and the EU for instance, the efforts of the industry contributed to either the abolishment of the proposed regulation, or to the introduction of a less stringent policy (Andrews et al., 2011; Bateman-House et al., 2017; Kurzer & Cooper, 2013; Mytton et al., 2012).

Next to political lobbying many companies are involved in the funding and conduct of scientific research on food products. While public-private research on food has proven fruitful in several cases, it can also steer the direction and outcomes of public health research. Research released between 2011 and 2018 reveals how the outcomes of industry-funded research often narrowly fits with the funder's economic interests (Bes-Rastrollo, Schulze, Ruiz-Canela, & Martinez-Gonzalez, 2013; O'Connor, 2015).

For example, scientists funded by Coca-Cola concluded in their research that obesity and NCDs are largely due to an imbalance between food intake and exercise, rather than the kind and amount of food consumed (Blair, Hand, & Hill, 2015; Nestle, 2018). On the website of the Global Energy Balance Network (an NGO, affiliated with Coca-Cola) researchers even argued that the key to weight loss is not reducing food

consumption, but “maintaining an active lifestyle and eating more calories” (O’Connor, 2015). Several scientists considered these recommendations to be remarkable as it goes against the large body of evidence that is pointing the opposite direction, namely that the correlation between physical exercise and fat mass is either conflicting or absent, increased exercise also increases food intake, and that limiting intake of sugary products makes weight loss easier (Cook & Schoeller, 2011; Thomas et al., 2012; Wilks et al., 2011). Apart from impacting research results, there have been cases the industry kept quiet about found negative effects of their ingredients and products. For instance, the sugar industry in the United States has for years remained silent about research results that would reveal that sugar has potentially negative effects on consumer health (Kearns, Apollonio, & Glantz, 2017; Kearns, Schmidt, & Glantz, 2016)

Corporate responsibility for public health

This brief outline provides a cohesive overview of the kinds of corporate practices that are frequently deemed problematic as they either contribute to overconsumption or hamper the creation of effective public health policies. Yet, this grim picture is not the full picture. Many firms are at the same time engaging in various corporate social responsibility activities that seek to improve upon health. Producers are engaging in product innovations that lead to healthier and less unhealthy products (e.g. light products, vitamin-enriched biscuits), supermarkets are experimenting with pro-health nudging and healthy check-outs, while larger food multinationals are cooperating with governments and NGOs in public-private partnerships to support public health (like co-sponsoring sports events and educating people about healthy food) (Blok, Tempels, Pietersma, & Janssen, 2017; Hartmann, 2011; Knai et al., 2015). So, in terms of product development, marketing and scientific and political involvement, these very same firms are also engaging behaviour that could counter the global obesity epidemic and mitigate food-related NCDs.

This provides us with a curious case, for it seems that in practice firms in the food and beverage industry are engaging in behaviour that contributes to food-related public health problems, while simultaneously participating in activities that seek to prevent them. How should we evaluate these practices? Contrary to what is often implied by critical public health scholars the facts do not speak for themselves. The empirical description of how these food and beverage companies operate as such does not tell us whether these companies are acting in a responsible or irresponsible fashion. To provide an answer to this question we first need to have a clearer grasp of whether firms have a responsibility to contribute to public health, what practices can be deemed responsible, and what kind of activities firms should not engage in. For this, we have to bring in a philosophical perspective and turn to the debates in business ethics and public health ethics.

II. Philosophical perspectives on responsibility and food-related health problems

On business ethics and corporate responsibility

Business ethics aims to articulate and explain the normative principles which can guide right action in business. Since firms and entrepreneurs are involved in many different affairs, the business ethics debate is very broad and focusses on various dimensions that relate to the conduct of business, ranging from the interactions between firms and consumers, between firms and employees, as well as between firms and society as a whole (Moriarty, 2017). General ethical theories like consequentialism, deontology or virtue ethics can be applied to explain how individuals should interact with each other in a business context. On the basis of these theories we can for instance think about whether deceptive marketing is morally permissible, how we should deal with discrimination on the work floor, or the kind of behaviour a virtuous manager ought to engage in (cf. Bowie, 1999; Brenkert, 2008; Solomon, 1992)

Yet, thinking about corporate responsibility is not confined to interactions between employees and managers, or dealings with consumers in the market place. We can also think about what obligations firms have towards society in general, e.g. what kind of responsibilities do firms have for (global) societal issues like climate change, child labour or – like in the case of this dissertation – the spread of disease and public health.

Corporate activities that focus on these kinds of problems are most often classified as falling under the scope of corporate social responsibility – or CSR for short. CSR activities are usually understood as actions that are not legally required and not primarily focussed on the benefit of the firm, but rather are of value to other actors the firm is associated with (Carroll, 2004; Garriga & Melé, 2004; Moriarty, 2017). More prominent contemporary theories of business ethics also refer to this as *corporate citizenship*, which is understood as firms having certain rights and responsibilities just like individual citizens. As such, apart from having to take into account their private (economic) responsibilities, firms also have to take into account certain social and political responsibilities when operating in society, which can even entail taking up state-like responsibilities, for instance providing and regulating public goods (Assländer & Curbach, 2014; Logsdon & Wood, 2002; Matten & Crane, 2005; Scherer & Palazzo, 2011; Scherer, Palazzo, & Baumann, 2006; Steinmann & Löhr, 1996).

While it is commonly acknowledged that firms at least have a minimal moral responsibility to refrain from causing harm and to respect consumer autonomy, and live up to their legal responsibilities, the normative basis for engaging in CSR activities are heavily debated among business ethicists (cf. Friedman, 2009; Garriga & Melé, 2004). While we usually agree that someone should do something to remedy societal harms and injustices, the crucial question is *who* should do *what* and *why*?

In the case of food-related public health problems the same question can be posed: why would firms have to take up this responsibility alongside governments, NGOs or individuals? (cf. Brenkert, 1998; Friedman, 2009; Hsieh, 2017)

As Moriarty (2017) points out, those who argue that firms would also have a corporate responsibility to address these kinds of (global) problems of harm and injustice often employ at a consequentialist line of reasoning. These consequentialists hold that i) an actor that has sufficient resources, knowledge and opportunities necessary to address these problems has a moral responsibility to do so, provided that the costs are not too great, ii) many firms have the resources and knowledge to take on these problems without overburdening themselves, hence iii) firms have a responsibility to address these problems (Moriarty, 2017; O'Neill, 1996, 2001; Wettstein, 2009). This line of argument is contested by non-consequentialists, as merely having knowledge and capacity does not provide sufficient reason for an actor to be attributed responsibility (cf. Couto, 2018; Miller, 2001).

Whether firms have social and political responsibilities and on the basis of what normative grounds this can be argued, is at the heart of the current debate on responsibility in business ethics. Should we look at the contribution of a firm to the problem at stake? Consider the kinds of harms and injustices it is involved with? Or assess whether it benefits from the problems at hand? (Arnold, 2013; Butt, 2007; Couto, 2018; Huseby, 2015; Miller, 2001). Different arguments are put to the table, but the theoretical discussion is far from settled.

In addition, even if the underlying moral arguments are made clear, the subsequent question is what this implies for corporate practice? Should firms be predominantly concerned about what happens in their supply chain? Or does it also require firms to partake in public and private governance to remedy social ills? What is the scope of corporate responsibility? And what would acting upon this responsibility look like? (Freeman, 2002; Hartmann, 2011; Heikkurinen & Forsman-Hugg, 2011).

In this thesis, these questions provide the starting point of the discussion on corporate responsibility for public health in the food and beverage industry.

Contesting responsibility for food-related public health issues

Food-related health problems are an illustrative case for the debate on corporate responsibility, as it is unclear how responsibility for these problems should be understood. This confusion mainly stems from the complexity of the question how to construct and understand food-related health harms. Food-related NCDs cannot be seen as situations of mere bad brute luck like floods, earthquakes or a spontaneous outbreak of a rare deadly infectious disease (cf. Dworkin, 2002). They do not 'just' occur, rather they are caused by multiple factors, persons and institutions interacting with each other. The practices of companies in the food and

beverage industry play a part in this, but so do other factors like the genetic make-up of individuals, the food choices of consumers, as well as specific governmental regulations. Unlike classic consumption-related harms (e.g. when dealing with dangerous or defective products), the rise of obesity and type 2 diabetes cannot be traced back to a single identifiable cause rooted within the industry. It is through the combined behaviour of individual consumers, firms and governments that food-related health harms occur. It is this plurality of actors contributing to food-related public health problems that makes the question about the scope of responsibility of food companies for public health much more complex than many critics may assume.

On the one hand we can argue that firms have a responsibility for food-related public health problems, as they provide the products that enable the spread of food-related disease. Yet, it is questionable whether the production and sales of potentially harmful products is sufficient ground to attribute firms responsibility for diseases that spring from the consumption of those products. For while it is frequently asserted that firms have the moral responsibility to live up the principles of non-maleficence and respect consumer autonomy, it is not self-evident that these principles are violated in for instance the sales of unhealthy food and beverage products (cf. Ebejer & Morden, 1988; Hasnas, 2009; Sher, 2011)

First of all, it is not clear-cut that unhealthy products should also be considered to be harmful products. Many unhealthy products are not *unsafe* in the sense that they pose an immediate harm to health (they are not toxic, disease-carrying or containing non-food substances). While unhealthy products increase the risk of food-related health harms – if consumed on a regular basis – they do not pose a direct harm to health. Whether it does, also depends on consumption patterns, food intake, exercise and genetic predispositions, which also sets it apart from other harmful – yet legally allowed – products like alcoholic beverages or tobacco. Furthermore, it is questionable whether health risks are always harmful. While health is essential for human flourishing and greatly valued by most people, that does not mean it cannot be weighed against other valuable life experiences. Some consumers might prefer the short-term hedonic pleasures provided by unhealthy products, and the social and cultural value of unhealthy food practices over health risks later in life. This is something consumers themselves should be allowed to decide (Barnhill, King, Kass, & Faden, 2014; Conly, 2013).

This argument directly connects to the notion of respect for consumer autonomy. As long as firms are merely providing products and inform consumers about the kind of products they can buy, the decision ultimately lies with the consumer. Provided that people freely and knowingly decide on what they consume, there is nothing wrong in selling unhealthy food and beverage products. One could thus argue that we cannot expect much from the food and beverage industry. When

consumers decide to (over)consume unhealthy food and beverage products, that is their responsibility.

Now, the public health scholar might agree that this is not the responsibility of the firm, but rather the responsibility of the state. Good health has always been fundamental to human existence and well-being, and hence to human societies. As such taking action on public health issues has long been perceived as a traditional governmental responsibility. As Rothstein states: “The key element in public health is the role of the government – its power and obligation to invoke mandatory or coercive measures to eliminate a threat to the public’s health” (Rothstein, 2002, p. 146). Governmental programs that aim to protect the health of the public, such as sanitation programs, pollution control and control of communicable diseases are conceived as classic public policy issues (Childress et al., 2002; Gostin, 2008; Rothstein, 2002). If the government has a responsibility for public health, it makes sense for them to address the rise of non-communicable disease as these have a tremendous impact on public health. And, as pointed out in the previous section, many governments work on programs that inform people about healthy eating, while developing regulation that limits the sales of unhealthy products.

Yet, the question whether the state should address food-related public health problems is contested as well. Obesity and type 2 diabetes are increasingly considered to be ‘life-style diseases’ that are the result of individual decisions. For that reason, several liberals and libertarians hold that these are not problems the government should address. As the libertarian scholar Epstein (2004) notes:

“in the end only the individual can determine what counts as a healthy lifestyle for her. Preferences are too varied, science is too muddled to give a clear answer. Just follow your parent’s advice: eat a balanced diet, do some exercise, don’t smoke and don’t drink to excess.” (Epstein, 2004, p. 1386)

It should be up to individual consumers to decide what they want to eat, how much they want to eat, and to what extent they want to exercise. For some liberals scholars governmental intervention in (un)healthy lifestyles is clearly paternalistic, as the intrusive ‘nanny-state’ strengthens its grip on the lives of individual citizens and limits their freedom. These considerations also fuel the debate on public health ethics, where governmental policies on eating patterns are predominantly framed in terms of a conflict between freedom and individual responsibility versus paternalism (cf. Conly, 2012; Fahlquist, 2006; Resnik, 2015; Verweij, 2014; Wiley et al., 2013)

In both the debate in business ethics and the debate on public health there is a heavy emphasis on the responsibilities of citizens and consumers for their lifestyles and related health problems, but the very notion of individual responsibility for food-related health problems can be contested.

Developments within the food market such as the development of addictive unhealthy food products, incomplete product information and misleading marketing can hamper autonomous decision-making in the choice for unhealthy food products (Barnhill, 2016; Sunstein, 2016). Furthermore, not all groups in society have similar options and chances to live a healthy life. There are many socio-economic factors that influence the extent to which people are able to make the healthier choice. Here one can think of how: certain rural and urban areas have only limited access to healthy and fresh food products (so called food deserts), healthier food products are frequently too expensive for those less well-off, specific groups of consumers may have insufficient knowledge of dietary guidelines, or are constrained by the unhealthy eating norms within their community (Jarvis & Wardle, 1999; Muff et al., 2010; Shaw, 2014). These social structures can constrain the options of people to in engage in healthier behavior, while people in the upper socio-economic strata are generally less constrained. For instance, people in higher socio-economic groups are better educated and better equipped to access nutritional information, have greater opportunities to develop their food tastes and have the funds to buy more expensive healthier food products. This social economic divide occurs against the background of firms operating within the market, and (the absence of) state regulation and governmental policies, which in its turn raises the question of whether these issues should be considered a corporate responsibility or a governmental responsibility.

This brief overview shows that in the case of food-related public health problems individuals, firms and governmental actors all have a certain responsibility, yet the scope of this responsibility for health is contested (cf. Fahlquist, 2006; Schrempf, 2014; Verweij, 2014)

Arguably, such contestation in part springs from a particular conception of responsibility. Frequently responsibility is considered backward-looking and framed in terms of who can be held accountable for a certain state of affairs. Based on this line of reasoning, one can then wonder whether the individual consumer is responsible for her suffering from obesity, or whether for instance Coca-Cola or McDonalds should be blamed for this. However, if we take a forward-looking perspective on responsibility, this creates a more action-oriented approach. It essentially puts forth the question: 'In the light of a particular problem, who(m) should act?' These type of questions allow us to consider what moral reasons there are for actors to address a certain state of affairs (Van de Poel, 2011; Verweij, 2001; Verweij & Dawson, 2019). This approach can be fruitful for addressing food-related public health problems. For each actor that operates in a society confronted with food-related public health problems – regardless of whether it is an individual, a school, local government or a firm – we can ask what moral reasons there could be for this specific actor to address the problem.

The moral reasons an actor might have to address a specific problem do not (necessarily) dissolve or lessen the responsibilities of another actors, as the considerations for acting in an ethical fashion, might be very different per actor. Moral reasons for individuals to take care of their own health can be because it furthers their own good, but also because it for instance can ensure an ability to be able to work, support a family and participate in society. For the state, on the other hand, there are other reasons to address these problems, for instance because not all socio-economic groups are equally vulnerable to health deprivation and it therefor has “reasons of justice to promote healthy nutrition as a means towards equal chances to a healthy life” (Verweij, 2014, p. 14). And indeed: if we can pose these questions for the state and individuals, we can also ask this for corporate actors that are operating in that very same obesogenic society.

III. Research questions and research goals

This analysis gives rise to the first central question of this thesis: *what are the moral grounds for companies in the food and beverage industry to address food-related public health problems?* If we can identify reasons for food firms to take action for public health, this subsequently raises further questions. For instance, are there corporate practices that are ethically unacceptable because of their negative impact on health? What does this imply for accepted business practices like child marketing or the development of unhealthy products? And are there other – more positive – actions firms should engage in? Should companies do more to inform the consumer about healthy and unhealthy products? Do they have a special obligation towards more vulnerable consumer populations? In short, this comes down to a second more practical question: *what could taking responsibility for food-related public health problems in the context of the food and beverage industry look like?*

Answering these questions creates room to clear up the moral confusion that is currently at play in the food and beverage industry, while simultaneously engaging with key theoretical challenges in the debate on business ethics. Assessing why firms would have a responsibility for societal issues like food-related public health problems and think about what this implies in corporate practice, also allows to further the debate on the moral reasons to engage in CSR activities.

Following the above-mentioned questions and theoretical challenges, in this PhD thesis I aim:

1. To clarify whether and why firms have a wider social and political responsibility for the common good.
2. To explore the possibility of corporate responsibility for public health within the context of the food and beverage industry.

3. To identify under what conditions the sales and marketing of unhealthy food and beverage products is irresponsible.
4. To identify the possible injustices involved in food-related public health problems and assess whether food and beverage firms have a responsibility for this.

IV. Thesis outline

To properly embed this philosophical reflection it is important to first get a clear grip on the current debate on corporate social responsibility. For that reason, *chapter 2* explores the more general question of why firms would have a wider responsibility for the common good. In the contemporary debate in business ethics there is increased attention to the role firms are playing in national and global governance, which is understood as political corporate social responsibility. Political CSR scholars like Scherer and Palazzo (2011; 2016) argue that firms are increasingly taking up political responsibilities. Regulation, the provision of public goods, and tackling public issues such as climate change and public health problems – tasks that in earlier days were organised by government – are now increasingly taken up by corporate actors as well. Firms are conceived as corporate citizens, that apart from their economic responsibilities, also have political responsibilities that they ought to discharge (Assländer, 2011; Assländer & Curbach, 2014, 2017; Matten & Crane, 2005; Scherer & Palazzo, 2011). The chapter explores several conceptual and empirical problems in the debate on corporate citizenship and stresses how the content and the scope of political corporate responsibility remain unclear. Drawing on the work of Iris Marion Young (2011) it is argued how political responsibility can be understood as a shared responsibility to tackle societal problems, and how this responsibility holds for both governmental actors and corporate actors. For corporate actors this not only entails engaging in private action or cooperating in public-private partnerships, but it also includes aiding governmental actors to remedy injustice or even create public institutions where they do not yet exist.

Having established that firms can have a responsibility for the common good and can play an integral part in addressing societal problems, I proceed to zoom in on the food and beverage industry. *Chapter 3* provides a closer look at the practices food firms engage in and how these affect the spread of food-related public health problems. By looking at CSR and public health research conducted in the food industry, it becomes clear that the behaviour of several food companies reflects a split corporate personality. Firms contribute to public health problems through the sales of unhealthy products and lobbying against public health regulation, while they simultaneously engage in various corporate social responsibility programs to prevent food-related diseases. To find out what would be the right thing to do for firms, it is argued that a reconceptualization of responsibility for public health is

needed. Following Verweij (2014), Schrempf (2014) and Young (2011) it is proposed that responsibility for public health should be understood as a shared responsibility. It is in this light that the role and responsibility of actors in the food industry for public health is reassessed, and it is shown how a forward-looking perspective on responsibility provides guidance in what food and beverage firms can and should do to promote health. This brief exploration is the stepping stone for the following chapters in which corporate responsibility for public health in the context of the food industry is fleshed out in more detail.

Chapter 4 addresses under what conditions the sales and marketing of unhealthy food and beverage products to adults, teenagers and children is morally problematic. Starting from the notion of ordinary morality (Gert, 2004; Hsieh, 2017) it is argued that firms have a duty to respect people's autonomy and adhere to the principle of nonmaleficence in both market and non-market environments. These principles help to identify when sales and marketing of unhealthy food products is irresponsible. The chapter shows how the core moral problem lies with the potential manipulation of consumers into (over)consuming unhealthy products. On the basis of this it is argued that firms should take into account: whether consumers are able to identify manipulative marketing, the degree of manipulation, as well as the negative impact a product has on health. In order to act responsibly firms should re-evaluate the marketing of unhealthy products to adults and refrain from marketing such products to children.

Chapter 5 explores the injustices in food-related health harms and the implications for corporate responsibility. Starting from the work of Iris Marion Young on responsibility for justice (2006, 2011), it is argued how food-related public health problems can be understood as structural injustices. By exploring the practices of the food and beverage industry it is made clear how corporate actors are sustaining and reinforcing health injustices and that due to this connection, corporate actors share a responsibility for addressing these problems. Drawing on the work of David Miller (2001, 2012) and David Owen (2013) three criteria (capacity, benefit, and vulnerability) are discussed as criteria for attributing responsibility. These criteria allow for further specification of what taking (shared) responsibility for food-related health problems can entail in corporate practice.

The final chapter, *Chapter 6*, presents answers to the research questions and sets out the main conclusions that can be drawn from this dissertation. This is followed by a discussion of the theoretical contributions of this research in which the implications for our thinking of individual, governmental and corporate responsibility for food-related health problems are highlighted. It also addresses various questions and issues that have come up during the process of writing the other chapters, but have remained unaddressed in the thesis. It briefly explores the value of healthy and unhealthy eating in relation to CSR and responsible innovation, discusses the moral desirability of corporate involvement in politics and science,

touches upon the risk of corporate paternalism and highlights the importance of empirical research on corporate perception of responsibility for health. In line with this discussion directions for future research are proposed. This last chapter ends with recommendations for business professionals in the food and beverage industry and some conclusive remarks.

Notes

1. Although the idea of a clear distinction between *healthy* and *unhealthy* food and beverage products can be contested (Katan, 2017), there are varieties of products that when regularly consumed (like products with relatively high amounts of sugar, salt and fat) are likely to have a negative impact on health (Afshin et al., 2019; Garst, Blok, Jansen, & Omta, 2017; Swinburn et al., 2011). In this thesis I follow the definition of Barnhill and her colleagues who refer to *unhealthy food and beverage products* as “foods that significantly increase the risk of diet-related illness at current levels of consumption, but do not pose a risk of immediate harm, and whose risk-attributing components are themselves food substances (e.g., fat, sugar, or salt)” (Barnhill et al., 2014, p. 192). Classic examples of these products are sugary drinks (e.g. regular Coca-Cola), certain types of fast food (e.g. KFC’s chicken wings) and processed foods that are high in salt, sugar or fat (e.g. potato chips) (cf. Barnhill et al., 2014; Nestle, 2013, 2015).

CHAPTER 2

Understanding political
responsibility in corporate
citizenship: towards a shared
responsibility for the
common good

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Chapter 2 Understanding political responsibility in corporate citizenship: towards a shared responsibility for the common good

I. Introduction

We live in a world where problems of harm and injustice are ever present. Whether these are problems related to climate change, disease or poor working conditions, there are many situations in which people are deprived or suffering and basic rights are either being violated or not sufficiently protected. In many cases of suffering and injustice we no longer find just governments and intergovernmental institutions which are making attempts to remedy these situations, but corporate actors are taking up these responsibilities as well. Especially multinational enterprises (MNEs), which often have great financial means (sometimes even greater than that of nation-states) and operate all over the world, are increasingly involved in mitigating global injustices.

These developments suggest that the scope of corporate social responsibility (CSR)¹ is expanding. Firms are increasingly involved in the provision of public goods and the protection of human rights, while also engaging in governance initiatives like the UN Global Compact, participation in the implementation of the UN's Sustainable Development Goals, as well as roundtable meetings and multi-stakeholder alliances such as the Forest Stewardship Council and the Roundtable for Sustainable Palm Oil (Fuchs & Kalfagianni, 2010; Ruggie, 2008).

For some scholars in the field of CSR and governance, this increased engagement in social and political affairs necessitates the development of an alternative theoretical approach to corporate responsibility. According to Matten and Crane (2005) corporations are taking up a state-like role when they address public issues, provide public goods and assist in the protection of human rights. This notion of a dual economic and political role can be traced back to the idea of corporate citizenship. Corporate citizenship entails that corporate actors have rights and responsibilities similar to those of 'regular' citizens. So, much like citizens, corporate actors have to take into account their private (economic) responsibilities as well as their social and political responsibilities when operating in society (Assländer & Curbach, 2014; Logsdon & Wood, 2002; Steinmann & Löhr, 1996).

The current debate on corporate citizenship seems to diverge in roughly two directions. On one side of the debate we see a number of scholars who attribute a great amount of political responsibilities to corporate actors (Scherer & Palazzo, 2007; Scherer & Palazzo, 2011; Schneider & Scherer, 2015). Corporate actors take up a political responsibility at the moment they contribute to public goods (e.g. health, education and social security), participate in the protection of human rights or engage in self-regulation to promote peace and stability in society. By assuming this

new political role next to their traditional economic role they are engaging in political corporate social responsibility (political CSR). However, in taking up this political responsibility, corporate actors influence public policy and affect the public interest. Therefore, it is argued that these actions should be democratically legitimated. A large part of the current debate on political CSR zooms in on how these activities can be legitimized, for instance by incorporating deliberative democratic practices in corporate governance (Scherer, Baumann-Pauly, & Schneider, 2013; Scherer & Palazzo, 2011; Schneider & Scherer, 2015)

On the other side of the debate, scholars like Assländer and Curbach endorse the idea of corporate citizenship but are more restrictive when it comes to the scope of political responsibility of corporate actors. Positioned within the debates on multi-level governance and the dynamics of upward and downward devolution (Hooghe & Marks, 2001; Loughlin, Kincaid, & Swenden, 2013) they develop a subsidiarity-based approach to corporate responsibility. In this approach corporate actors are seen as intermediate actors who have certain political co-responsibilities in society, while governments retain major responsibilities such as guaranteeing freedom, justice and citizenship rights. It is up to governments to develop governance structures that allow corporations to take political responsibility (Assländer & Curbach, 2014, 2017).

The debate on corporate citizenship gives rise to many questions surrounding the grounds for corporate political responsibility, the scope of responsibility within and beyond national borders, and the responsibilities of business next to the complex range of roles and responsibilities national governments take up and fulfil (cf. Frynas & Stephens, 2015; Mäkinen & Kasanen, 2014, 2015).

In this article we aim to address two of these issues by taking a closer look at Iris Marion Young's account of political responsibility. We reflect on how this approach can ground corporate political responsibility and what such a conception of political responsibility could imply for the responsibilities of business next to the diverse roles and functions performed by most contemporary governments (Young, 2006, 2011). Based on Young's account we understand political responsibility to be a shared responsibility, which requires both corporate actors and governmental actors to take responsibility in order to tackle societal problems and encourage or push each other to take responsibility. Moreover, the scope of political corporate responsibility can be narrowed down if we acknowledge that responsibilities that require coercive action befall (supra)national governmental institutions and therefore do not fall within the scope of political responsibility of corporate actors. Furthermore, we make clear that political responsibility also requires corporate actors to help or push governmental actors to remedy injustice or – when such institutions are absent – should help to create these institutions.

By adding this perspective we work towards the development of a more sophisticated model on the political responsibilities of business. Apart from the

theoretical contribution, we also provide reasons to rethink what in practice can be expected of business in dealing with day-to-day situations of injustice and harm (e.g. climate change, global health problems and human rights violations). Committing to political corporate responsibility would necessitate corporate actors to take a more hands-on approach to remedying these problems and for many this will entail going beyond their present-day CSR practices.

In this article, we first provide a short introduction to the debate by looking at Scherer and Palazzo's and Assländer and Curbach's opposing views on corporate citizenship. In the subsequent sections, we discuss several theoretical and practical problems in both approaches. In the third section we refer to Iris Marion Young's notion of political responsibility and show how this can address several problems in the corporate citizenship debate as it provides a ground for an extended corporate responsibility, while also providing a first indication of what this would imply for the scope of political responsibilities of corporate actors amongst the various responsibilities of national governments.

II. Understanding corporate citizenship and the political responsibilities of business

The current debates on corporate citizenship have especially developed in response to globalization processes in which the spatial organization of affairs among social, political and economic actors is being rewired. The power of the traditional Westphalian nation states is waning as social and economic activities are transcending the boundaries of the nation state. This becomes most clear when looking at global problems such as climate change, global poverty, pandemics and the economic and financial crises (Held, 1999). These problems cannot be solved by nation states alone. Hence governments, non-governmental organizations (NGOs), and international governmental organizations (IGOs) increasingly cooperate with the private sector in global governance networks to address these problems. By cooperating in cross-sector partnerships, multi-stakeholder alliances and public-private partnerships, collective action is taken to fill these gaps in regulation and address problems with the provision of global public goods (Ruggie, 2008; Scherer & Palazzo, 2011; Van Huijstee, Francken, & Leroy, 2007; Wolf, 2005).

As a result of globalization and the increasing complexity of societal problems, CSR is becoming entwined with governance and care for the common good, which suggests a deviation from the classical liberal conception that the sphere of the market and the political realm are fully separated (Matten & Crane, 2005; Scherer & Palazzo, 2011). While corporations have always played a political role, the meaning of 'political' in the CSR debate is changing. Earlier debates on the role of business in society revolved around the corporate political activities of a firm. These political activities are understood as corporate engagement with governmental institutions with the mere goal of improving the economic

performance of the firm. Lobbying at various governmental levels, supporting political candidates, and even bribing public officials in order to influence public policy to the benefit of the firm, all fall within this category (Alzola, 2013; Lawton, McGuire, & Rajwani, 2013). Many of today's corporations are different in the sense that they often take-up a dual role as they engage in the political sphere not only for their economic interests, but also for the common good (Matten & Crane, 2005; Scherer & Palazzo, 2011). While Matten and Crane introduced the concept of corporate citizenship as a descriptive concept, other authors have tried to provide a normative foundation for why corporations would have these additional responsibilities (Assländer & Curbach, 2014, 2017; Scherer & Palazzo, 2007; Scherer & Palazzo, 2011).

The normative foundation of corporate citizenship

The notion that corporate actors have moral responsibilities in addition to economic responsibilities is far from new. In fact, business ethicists in general have defended this, drawing on various ethical theories, from virtue ethics to contractarian approaches (cf. Frederick 2008). Yet, corporate citizenship can be grounded in two different normative approaches, namely in republican business ethics and citizenship theories (Habermas, 2001; Scherer & Palazzo, 2007; Scherer et al., 2006; Steinmann & Löhr, 1996). Republican business ethics pictures the corporation as an actor that has both a private (economic) responsibility and a public (ethical) responsibility. Corporate actors have to take up both these roles when operating in society. Especially when there are no rules or solutions being provided by governments or international regimes, the public responsibilities of corporate actors become more stringent (Scherer et al., 2006).

Assländer and Curbach (2014, 2017) discuss the dual conception of citizenship of corporate actors in a more elaborate fashion. Corporations are not citizens in the traditional sense of the word, but they can be considered to be the offspring of the classical liberal bourgeois society. The corporation is provided with the legal status of an economic citizen (*bourgeois*). Its core purpose is to make a profit for the 'real' economic citizens – the owners of the company (Assländer & Curbach, 2017). Hence, from a liberal perspective the corporate citizen should abide by the law, but does not have any additional social or political responsibilities.

As noted above, according to the republican approach to citizenship, citizens are not only private – self-interested – citizens, but have a role as citizens of the community (*citoyen*). In this role, they are expected to play an active part in politics and contribute to the welfare of society as a whole. This notion is translated to the corporate citizen. As corporate *citoyen*, corporations have a social and political role to play in society as they “help to design rules that are of public interest and contribute to peaceful stabilization of society” (Scherer et al., 2006, p. 516). The corporate citizen will have to balance its roles as *bourgeois* and *citoyen*, finding a

middle-ground between its private interests and economic responsibilities on the one hand, and its public or political responsibilities on the other.

While both Scherer and Palazzo as well as Assländer and Curbach draw on these notions of corporate citizenship, their interpretations of the scope of political responsibilities of business diverge.

Political CSR: legitimizing expanding political responsibilities

By combining Steinmann and Löhr's work on republican business ethics with Iris Marion Young's notion of social connection responsibility, Scherer and Palazzo greatly expand the scope of social and political responsibilities of corporate actors. Given the systemic social connectedness to instances of harm and injustice, corporate actors also have a political responsibility for global problems of injustice such as bad labor conditions and climate change, which in practice even can result in corporations taking over state-like functions (Scherer et al., 2013; Scherer & Palazzo, 2011).

Assuming that an extended corporate responsibility is sufficiently grounded in Steinmann and Löhr's republican business ethics, Scherer and Palazzo's approach of political CSR zooms in on the question of legitimacy. For while there might be sufficient moral reasons for corporations to engage in political CSR, these actions might not be necessarily legitimate. By influencing and affecting the public good, corporations take up a political role while they are not democratically sanctioned to do so. This democratic deficit is most prominent when public regulatory institutions (e.g. national government and/or international institutions) are absent, failing or ineffective (Scherer & Palazzo, 2007; Scherer et al., 2013; Scherer & Palazzo, 2011). In order to address this problem they introduce a Habermasian approach to CSR, which entails a turn to deliberative democracy and democratic corporate governance. Through these deliberative mechanisms it should become possible to legitimize the political role of the corporation through the inclusion of all relevant stakeholders (ibid.). This democratic legitimization of governance can take place on multiple levels. As a macro level example reference is often made the Forest Stewardship Council, in which a variety of actors, ranging from corporate actors, NGOs, governments and IGOs, have come together to develop a set of criteria and principles to enable global sustainable forest management (Edward & Willmott, 2012; Scherer & Palazzo, 2007).

In more recent articles it is proposed to extend deliberative democracy to the level of the company itself (Scherer et al., 2013; Schneider & Scherer, 2015). In order to compensate for the democratic deficit in corporate engagement with the public good and public policy, it is argued that corporate actors should internalize democracy. This entails that the principles of deliberative democracy are to be transferred to the level of the firm and that all affected actors should be included in the corporate decision making process. Creating a deliberative stakeholder democracy ensures that stakeholders are no longer merely consulted, but are

integrated in the organizational decision making process. Through this inclusive procedure, corporate decision making will no longer be dominated by managers and shareholders, resulting in more fair and legitimate decision-making (Scherer et al., 2013; Schneider & Scherer, 2015).

Critical remarks on political CSR

Scherer and Palazzo's political conception of CSR and the corresponding call for democratization of the corporation has not remained free of critique. Several authors pointed out that the appeal for political CSR is largely grounded in empirical claims about the globalization process (Frynas & Stephens, 2015; Mäkinen & Kasanen, 2014, 2015). The fact that (weak) governments are failing their traditional tasks under the processes of globalization does not automatically justify the call for a larger political role for business. Mäkinen and Kasanen argue that in order to explain why corporations should be taking up these additional responsibilities (and challenge the division of responsibilities in classical liberal political economy) a 'relatively robust normative political argument' is needed, and hold that this is lacking in the contemporary political CSR debate (Mäkinen & Kasanen, 2015, p. 5).

We do not think such a normative argument is completely lacking, as reference is made to Steinmann and Löhr's republican business ethics and the work of Young, yet several issues regarding the nature and scope of this responsibility are insufficiently elaborated upon. Two important problems that surface in the debate are that (1) the scope of political responsibility for corporations is insufficiently specified and (2) the grounds for democratization of corporate governance are ambiguous (Mäkinen & Kasanen, 2015). These two critical issues will be elaborated upon in the sections below and will be further addressed in section 3, as we look into Young's approach to responsibility.

Scope of political responsibility of corporate actors is indeterminate

One of the central problems in the political CSR theory of Scherer and Palazzo is the indeterminacy of the scope of political responsibility of corporate actors (Scherer & Palazzo, 2011). It does not become clear to what extent corporate actors have a responsibility to remedy social and environmental harms and what can be reasonably expected of them. Due to this theoretical gap, it seems that corporate actors could potentially be attributed responsibility for nearly every situation of injustice or harm, requiring them to take political responsibility for a wide range of affairs. This even leaves open the possibility of the corporation taking up a near state-like role, potentially overburdening the corporation with political responsibilities (Mäkinen & Kasanen, 2015).

Given that Scherer and Palazzo's approach to political CSR partly builds on Iris Marion Young's notion that multiple actors (governments, NGOs, individuals etc.) are connected to situations of global harm and injustice, it makes sense to also

think about the responsibilities of these actors and put them in relation to political responsibilities of business. In line with Mäkinen and Kasanen we think that the political responsibility of governments, or as they call it, the possibility of 'governmental social responsibility' is insufficiently being explored in Scherer and Palazzo's framework of political CSR. The fact that corporate actors and other non-state actors are playing an increasing role in global governance does not imply that the responsibilities of national governments necessarily have to change; governments for instance still play a major part in facilitating economic globalization and supporting CSR initiatives (Mäkinen & Kasanen, 2015). Furthermore while some national and supranational governmental institutions are weak, this does not mean that corporate actors should not put effort in strengthening these institutions (Frynas & Stephens, 2015).

Given this gap in political CSR theory, there is reason to more substantially reflect on the scope of the political responsibilities of corporate actors in relation to the responsibilities of governmental actors, which will be taken up in second part of this paper.

Ambiguity in 'affecting' public interests and the necessity of democratic corporate governance

Another element in the political CSR debate that can be put under scrutiny is the ambiguity with regard to the democratic legitimization of political corporate activities. Scherer and Palazzo put forth that there might be a lack of democratic legitimacy when corporations take up a state-like role or influence public policy as this affects the public interests (Scherer et al., 2013; Scherer & Palazzo, 2011).

While these authors touch upon an important issue, their position raises many questions. Does any business activity that affects the public interest require (democratic) legitimization? What is exactly meant with affecting the public interest? (cf. Fung, 2013). And, does this refer solely to negative impacts – say, that infringe upon human rights – or does it also include positive impacts such as the provision of global public goods, like education or public health? Schneider and Scherer argue that legitimacy issues arise when individuals might suffer a loss in individual welfare (Schneider & Scherer, 2015). Whether this is also the case when corporate actors engage in activities that aim to contribute to the common good remains an open question. For example, what if a large pharmaceutical company would voluntarily distribute vaccinations against infectious diseases in a failed state where the government is unable to provide for this service? We could argue that the corporation is taking up its political responsibility. This indeed affects the public interest, but it is not self-evident that this would be illegitimate. It seems that this can only be the case if we can argue that this contribution to public health can also be considered to be an action that contributes to the loss of welfare of some individuals. How can this be the case? One could argue that this could be a problem

from a perspective of fairness and access to healthcare, when the company would only provide medication to its employees and their families, or only provide health care services in one region of the failed state and not in the other regions. However, to assume this would require a more substantial argumentation.

Furthermore, if this argument could be made, it would also call into question the legitimacy of the actions of many other non-state actors that impact public interests. It would be odd to single out corporate actors to be subjected to democratic legitimization mechanisms, while NGOs and wealthy philanthropic individuals also engage in activities that aim to positively affect the public interest. Hence, this ambiguity on what 'being affected' entails needs to be addressed before one turns to practices that provide legitimization mechanisms for affecting this public interest (such as democratic corporate governance).

All-in-all the major framing of political CSR seems to entail a substantial deviation from business as usual and faces two central problems as (1) the debate is ambiguous on scope of the political responsibilities of corporate actors in relation to the responsibilities of governmental actors and (2) it does not become clear when corporate action creates legitimacy problems that necessitate a turn to democratic corporate governance.

There are some scholars, most notably Assländer and Curbach, who have tried to address this first problem. In the next section we will explore what their approach entails and whether it provides a solution to the problem of governmental and corporate responsibilities.

The subsidiarity approach: corporate-governmental task-sharing

In their work on corporate citizenship Assländer and Curbach (2014; 2017) try to assess how corporate governmental task-sharing can be organized. In order to differentiate between governmental and corporate responsibilities they turn to the tenet of subsidiarity.

The tenet of subsidiarity is used to differentiate between the responsibilities of three groups in society, namely governmental actors and communities; economic, clerical and social associations, and individuals and families. It describes "fair and just task-sharing among the different layers in society. It states that in society, no task should be assigned to a higher level of authority if it can be accomplished by a lesser and subordinate entity" (Assländer & Curbach, 2017, p. 12). Subsidiarity is a two-way principle, which works both bottom-up and top-down allowing upward and downward devolution only when an action cannot be reasonably accomplished at a lower intermediate level (when insufficient, inefficient or ineffective) then social tasks are moved up to national or supranational level. At the same time, when subsidiary entities fail their societal tasks, or cannot accomplish them in an efficient way, a higher entity (usually national government) must intervene and tasks are shifted to the next level. In the past years subsidiarity and devolution have mainly

been used to think about the relation between national governments and supranational institutions such as the EU, but according to Assländer and Curbach the principle of subsidiarity can also provide guidance on corporate governmental task-sharing (Assländer, 2011; Assländer & Curbach, 2017).

Compared to the political CSR approach, the subsidiarity approach leaves the traditional role and responsibilities of national governments to a large extent intact. Governments play a central role in the distribution of responsibilities to intermediate actors, both on lower sub-state levels (families, social associations and municipalities) and on higher transnational levels (EU, WTO, UN etc.) (Brunkhorst, 2005; Hirst, Thompson, & Bromley, 2009). Corporate actors, such as multinational enterprises, are seen as intermediate actors that operate on both these levels. For Assländer and Curbach the fact that there are increased corporate efforts that contribute to the common good (both social activities and private regulation) does not necessarily reduce the need for governmental regulation on national and supranational level. While corporate actors are taking over some traditional governmental activities, this does not guarantee that corporate actors will sufficiently compensate for “a lack of governmental services in all relevant areas on a *sustainable* basis” (Assländer & Curbach, 2017, p. 17, emphasis added). Government regulation remains crucial in the case of (1) democracy enhancing or freedom promoting activities, (2) when the assignment of responsibilities to lower entities causes friction with: justice, equal treatment of citizens or endangers fundamental citizenship rights (political participation), and (3) in instances that require strict coordination (for instance when facing epidemics) (Assländer & Curbach, 2017).

Hence, subsidiarity can be understood as a “regulative idea which should guide considerations when assigning responsibilities to different layers in society” (Assländer & Curbach, 2017, p. 20). The corporate citizen is an intermediate actor who remains subjected to political and legal regulations. If the political responsibilities of corporations are to be taken in a successful way, national governments are to develop governance structures to allow this to take place. Political discourse in national and supranational organizations is to determine the scope and content of these corporate co-responsibilities (Assländer & Curbach, 2017).

In comparison to the approach of Scherer and Palazzo the subsidiarity approach narrows down the scope of political corporate responsibility considerably. By pointing out that there are core governmental tasks (coercion, guaranteeing freedom and justice), the corporation can take its economic responsibilities without being overburdened by political responsibilities. In addition, as governments are to play a central role in the creation of governance frameworks that regulate the political responsibilities of business, it seems that the need for democratic corporate governance (at the level of the corporation) is tuned down, as political CSR activities are in this case already legitimized by the government. As such, Assländer and

Curbach offer an approach that allows corporate actors to take up their political responsibilities, while at the same time paying heed to the role governments should play.

Critical remarks on the subsidiarity approach

Assländer and Curbach make an important contribution to the debate by introducing a guiding principle to distinguish between corporate and governmental responsibilities, but from a pragmatic perspective employing the principle of subsidiarity is not unproblematic. This is so for two reasons: (1) current global injustices and situations of global harm are unlikely to be tackled by states alone as the problem-solving ability of national governments is overestimated and (2) the principle of subsidiarity provides little guidance on what political corporate responsibility can entail, when national or supranational governmental institutions are unwilling to take their responsibilities, when they are failing or absent.

The first problem is related to the conception of globalization and its effects. Following Robinson (2004) we understand *globalization* to be an essentially contested concept. The readings of Scherer and Palazzo and of Assländer and Curbach can be considered to be at two opposing sides of the spectrum when it comes to the effects of globalization. We agree with the latter that governments have an important part to play, for instance in creating the conditions for corporations to operate. At the same time though, many governmental institutions do not succeed in providing an adequate solution for the complex problems we are facing at both national and global level (Held, 1999; Scholte, 2005). We think that this element is insufficiently taken into account in the proposed application of the tenet of subsidiarity as guiding principle for corporate-governmental task-sharing.

First of all, Assländer's account of subsidiarity seems to imply a strict division of responsibilities between actors. While corporations as intermediate actors would have substantial responsibilities for society in providing public goods such as health, education and even guaranteeing fundamental human rights, at the same time it is argued that governmental organizations and higher public institutions are in the end responsible for legal security, freedom, justice and democracy. Hence, there is still a heavy emphasis on governmental responsibilities as it is made clear that corporate actors should not compensate for this (Assländer, 2011; Assländer & Curbach, 2017). In the light of complex wicked problems² such as climate change or world-wide epidemics one can wonder whether subsidiarity is a viable concept to tackle these problems. According to Levin et al. (2012) one of the features of wicked problems is that there is no central authority to tackle these problems. When looking at the problem of climate change, we also see that in practice there is no higher authority to distribute responsibilities. There is global consensus on the need to reduce carbon emissions, but the attempts to realize this are not enforced or put to practice by a single authority, but rather through different mechanisms on various

levels in both the public and the private sphere (e.g. EU programs to cap CO₂ emissions, the Paris Agreement under the UN Framework Convention on Climate Change, the Forest Stewardship Council). All those things together may be necessary to tackle wicked problems such as climate change (Levin et al., 2012). The status of national governments is therefore changing from central legislator to ‘partner’ or ‘stakeholder’ within a wider system of governance (Lievens, 2015). Hence, it is unclear how a more government focused approach which follows from the principle of subsidiarity, can provide a solution for the global injustices the world is nowadays struggling with.

Another problem with appealing to subsidiarity as guiding principle in the distribution of responsibilities is that it assumes the presence of a well-functioning higher authority (Assländer & Curbach, 2017). Some form of effective national or international authoritative political order should be present, to distribute responsibilities and to take up responsibilities from lower entities when they fail to effectively take their responsibilities. However, it is questionable whether the principle of subsidiarity really helps to solve these problems in task-sharing, as in many of the environments where corporations are operating higher authorities are often weak or unwilling to take political action.

The case of a large MNE operating in the failed state of Somalia, where freedom and legal security are insufficiently provided for (Freedom House, 2016). On the one hand it can be argued that a corporate actor should take its political (co-)responsibilities, yet at the same time the principle of subsidiarity also prescribes, that freedom and legal security should be provided by higher public institutions. We agree that both for economic reasons (the corporation has an economic function) and political reasons (fairness and inclusion) a government in essence is best suited to take up these tasks. However in Somalia there is no effective higher authority (neither national or regional). This is where a core problem with the principle of subsidiarity surfaces, as it does not say anything about a possible responsibility of intermediate actors to create or support the establishment of a functioning democratic regime (Assländer & Curbach, 2017). So it remains unclear what can be expected of corporate actors in these situations.

Given the promises and shortcomings of the approaches of political CSR and subsidiarity, we aim to introduce a third approach, Youngian political corporate responsibility, to more carefully distinguish the political responsibilities of business. A closer reading of Iris Marion Young's work on responsibility for justice can help us work towards such a more sophisticated approach to assess the political responsibilities of business (Young, 2006, 2011). While her approach is already being used by Scherer and Palazzo to defend a wider range of responsibilities for corporate actors that are operating on a global scale, we argue that her approach can also provide guidance in delineating the responsibilities of corporate and governmental actors, even in settings where national governments are unwilling, unable or

ineffective in taking responsibility. In the next section, Young's concepts of structural injustice and political responsibility will be shortly discussed, after which we look into the implications for the responsibilities of corporate actors and governments.

III. Youngian political corporate responsibility

On structural injustices and social connection responsibility

In her work on responsibility for justice, Iris Marion Young focuses on responsibility for structural injustices (Young, 2006, 2011). Structural injustices exist when:

“social processes put large categories of persons under a systemic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities”. (Young, 2006, p. 114)

Structural injustices are “harms that come to people as a result of structural processes in which people participate” (Young, 2003, p. 7) and can span a wide range of issues, from bad labor conditions to global health problems.

Young argues that in order to think about who should take responsibility for these injustices, we need another conception of responsibility next to the traditional liability model of responsibility. In the liability model responsibility is attributed to those actors – either individual or collective – of whom it can be shown that they are “causally connected to circumstances for which responsibility is sought” (Young, 2011, p. 97). It assumes that there is a rather direct interaction between the actor that is causing harm and the harmed party, and that responsibility can be attributed to an actor when its harmful actions were voluntarily and knowingly undertaken (for instance when company X dumps its chemical waste in the nearby river, poisoning the residents in the town further down the river) (Young, 2011).

Young puts forth that in the case of structural injustices it is not possible to single out an actor as responsible, because it is a plurality of actors that interact in a network of processes of cooperation and competition that bring forth these injustices. Governments, civil society organizations, individuals and business, all can be directly or indirectly connected to specific injustices and, by virtue of this social connection, carry responsibility for these injustices (Young, 2006).

Unlike the liability model of responsibility, the *social connection model of responsibility* does not allow actors to evade responsibility (Young, 2011). To understand this Young makes the example of the use of sweatshops in the global garment industry (which she considers to be a case of global injustice). Following the liability approach an MNE in the garment industry would be able to claim not to be responsible for the poor working conditions at one of its subcontractors. The MNE can argue that they are not in direct control of the subcontractor as they do

not own this company and therefore cannot be blamed. As a result the subcontractor is singled out as the actor that should be held responsible. In the social connection model this argument loses its force, as the MNE can at least be held partly responsible for its actions, for by doing business with the subcontractor, it enables the processes that produce these unjust outcomes. The same goes for a wide range of other connected actors: the government that allows the sweatshop owner to abuse its employees; the retailer that fails to check whether the t-shirts it is selling are produced under the right circumstances; and the consumer who is buying the t-shirts from the retailer. Instead of looking back to find out who caused a particular wrong, to find out who is blameworthy or liable, Young's approach to responsibility is more forward-looking: central to the approach is working towards a remedy for these injustices. All actors that operate within these global structures that cause injustices have a responsibility to remedy injustice. This makes social connection responsibility an essentially shared responsibility, that can only be discharged by joining with others in collective action (Young, 2011).

Given this collectiveness, the involvement of public discourse and the goal of changing social structure, Young classifies social connection responsibility as a *political responsibility*. Politics for Young is the "communicative engagement with others for the sake organizing our relationships and coordinating our relations justly" (Young, 2006, p. 123). Political responsibility therefore is morally and ontologically prior to political institutions. Referring to John Locke's social contract theory she points out that the need and desire for political institutions only arises because "socially connected persons with multiple and sometimes conflicting institutional commitments recognize that their relationships are liable to conflict and inequalities of power that can lead to mistrust, violence, exploitation, and domination" (Young, 2006, p. 105). Political institutions and their corresponding roles arise out of the responsibilities of justice that are generated by social connection. The existence of current day structural injustices necessarily means that some of the background conditions of action – the accepted rules and conventions of our communities and political institutions – are not morally acceptable (Young, 2006). Only through working together by engaging in collective action can connected actors change institutions and processes to provide less unjust outcomes.

At the same time, shared responsibility does not mean that every actor bears responsibility to the same degree and in the same way. To determine who are best placed to take responsibility Young introduces four parameters of reasoning namely power, privilege, interest and collective ability (Young, 2006, 2011). *Power* refers to the capacity of an actor to change situations of injustice. For instance MNEs, such as Nike or Inditex (owner of ZARA, Pull and Bear) have more power to improve global labor justice than a local clothing retailer has. *Privilege* often goes hand-in-hand with benefit. It means that those actors that benefit most from injustices have special moral obligations to change these injustices. For instance, affluent Western

consumers relatively benefit from sweatshops, but also have the capacity to change these circumstances without suffering serious deprivation (for instance, pay more for the product they are buying to improve the situation of the workers). *Interest* entails that those actors who suffer most from the injustice also have a responsibility to challenge this injustice (e.g. the workers in the sweatshop can speak up about their situation). Lastly, *collective ability* refers to groups of actors who together have the power to address these injustices; for instance, consumer groups and organizations such as universities and sport clubs when it comes to global labor justice, or schools and employers when looking at global health issues. The position of the actor in the system determines what kind of issues he can be held responsible for and what kind of action he should take (Young, 2006, 2011).

Based on this short overview of Young's approach to responsibility, it becomes clear that all socially connected actors, both public and private, have a political responsibility to remedy structural injustices. Now we can take the next step and reflect on what this would imply for the responsibilities of corporate actors.

Young and the political responsibilities of corporate actors

In principle corporate actors have the responsibility to avoid causing harm or violating human rights (Bowie, 1999; Young, 2006). However, the problem is that corporate actors operate in a non-ideal world, where, even despite the possible best efforts to refrain from contributing to harm and injustice, they are structurally connected to instances of injustice through their economic activities. If the corporation is to take its economic responsibilities without violating its responsibilities towards others, the global structure has to change. Hence, by virtue of their social connection to global injustice and harm, corporations share responsibility to remedy these global injustices and harms.

Some would argue that governments, not corporations or civil society actors, are best placed to take responsibility for problems of structural injustice in which freedom, justice and fairness are at stake. Young explicitly argues that this is not always the case. As explained in the previous section, governments should be seen as mediated instruments of those actors who share responsibility for structural justice. While governments and supranational institutions are important and (sometimes) powerful actors, they also often fail to effectively take responsibility. This is not only due to corruption, incompetence or weakness, it is also caused by the fact that some private actors can be very effective in influencing what governments can and cannot do (Young, 2011). To address structural problems the collective engagement of governmental and non-governmental actors is necessary, and we suggest that business therefore also has the responsibility to contribute to this.

Implications for corporate and governmental responsibility

This closer look at the work of Young sheds new light on the issues we encountered in Scherer and Palazzo's and Assländer and Curbach's approaches to the political responsibilities of business.

One of the main issues in Scherer and Palazzo's approach was the indeterminacy of the scope of responsibilities and the risk of taking up a state-like role, but in reference to Young it is possible to give a first indication of the limits of this scope. Despite the fact that we cannot rely solely on governmental institutions to remedy injustice, this does not entail that taking political responsibility necessarily requires a corporate actor to take over a majority of traditional governmental responsibilities. In earlier work Young points out that the state engages in "activities and institutions of legal regulation, enforcement backed by coercion, legislative mandated coordination and public services, along with the managerial and technical apparatus to carry out these functions effectively" (Young, 1999, p. 143). It is responsible for the regulation and coordination of economic life, facilitating social coordination of individuals and groups to achieve large-scale collective goals (Young, 1999). When confronted with structural injustice, actors that share responsibility for these harms often face coordination problems. In these cases national governments can be key because only they can legitimately exercise coercive power in solving such coordination problems. Other actors that share responsibility should not take up this coercive role, but rather should stimulate authoritative and coercive political institutions to take action against structural injustices (Young, 2011).

It is at this point that it becomes clear how Young's view of political responsibility helps to shed light on the problem of the scope of corporate responsibilities while at the same time restricting the problem of moral over-demandingness of political CSR as Young's interpretation of political responsibility excludes taking those responsibilities that would require coercive and authoritative action. This can be the case when it is necessary to force other actors to engage in certain behaviour, for instance to prevent human rights violations or to ensure that people are treated fairly. In these cases governments or higher public institutions should take up these tasks. As engaging in coercive action is not a permissible corporate activity, it by definition cannot fall within the scope of political corporate responsibility. Hence, this more strict reading of Young helps to narrow down the scope of the political responsibilities of corporate actors.

At the same time, Young offers a way out of the main problem we identified in Assländer and Curbach's approach, namely that the application of the principle of subsidiarity provided no solution for situations in which governmental actors are absent or ineffective. Young's approach offers a way out of this problem, for she puts forth that if government is not effective, is unwilling or is absent, then social connected actors still have a role to play, with political responsibility requiring them

to “push authoritative and coercive political institutions in directions that remedy injustice, where they exist *and* bringing them into being where they do not” (Young, 2011, p. 168, emphasis added). Taking political responsibility implies that non-state actors, including corporate actors, have the responsibility to create higher public institutions when necessary.

On the basis of Young we can argue that if corporate actors take political responsibility this can entail four forms of activity, namely: (1) lobby at state level to move the government to take action to remedy injustice; (2) deploy individual activities to directly remedy injustice; (3) engage in private or public-private initiatives with other actors (e.g. multi-stakeholder alliances) to collectively remedy injustice and (4) engage with other actors to create public institutions for situations of injustice and harm that require strict or coercive coordination. How this could translate to corporate practice we briefly discuss in the next section.

Taking political corporate responsibility

To provide a first indication of what taking political responsibility might entail in daily corporate practice we provide two brief illustrations, considering the role business can play in taking responsibility for labor injustices in the electronics industry and its possible role in remedying global health issues like pandemics.

To illustrate the first issue we consider the case of electronics producer Apple and its Taiwanese subcontractor, the supplier/manufacturer Pegatron. Apple works with Pegatron, which assembles its products in factories in the People’s Republic of China. Pegatron allegedly has bad labor conditions and is violating Chinese labor law (low safety, long working hours and child labor) (Barboza 2013; China Labor Watch 2013, 2015). On the basis of Young we can expect business to do at least three things. Firstly, Apple can lobby at the Chinese government level for additional regulation and stricter audits on the working conditions in the Pegatron factories. Secondly, Apple could increase its own efforts to directly influence the working conditions at the Pegatron factories. This could, for instance, be achieved through more regular audits by Apple at Pegatron’s sites, through renegotiation of contracts to demand better working conditions, or even through a financial contribution of Apple to help Pegatron improve these conditions. Lastly, Apple could further explore the possibilities of engaging with other actors in the industry to improve the labor conditions in the electronic industry. As major market leader in the industry Apple could, for instance, take the lead in a strengthening of the Code of Conduct of the Electronic Industry Citizenship Coalition (an industry-wide coalition of electronic producers) to put labor conditions higher on the agenda, or it could seek to broaden the coalition by including workers in these deliberations in order to create a more inclusive organization to combat labor injustices.

In other instances we might even expect more of corporate actors, as political responsibility can also entail that corporate actors offer support to governments

facing difficulties in creating and maintaining structures to effectively address injustice, albeit without taking up a coercive state-like role. This can be illustrated when considering problems where public health was under severe threat like during the 2013-2016 Ebola outbreak in Liberia, where the fragile national government struggled to provide quick quarantine and treatment (Messner, 2016; Onishi, 2014).

During the outbreak the Liberian national government for instance employed both coercive and non-coercive measures to prevent and control the outbreak. They used coercion to quarantine groups of infected people to prevent further dissemination of the deadly disease, but at the same time engaged in non-coercive actions through information provision and education on how to prevent contamination (Nyenswah, et al., 2015). Now imagine that a large pharmaceutical multinational was also operating in these Ebola-struck regions: what would discharging political responsibility for public health entail? Arguably, following Young, such a company could engage in education and information activities and make drugs available, yet it should not itself use coercion to quarantine groups of persons. On the other hand, it might be appropriate to assist the government in creating and maintaining quarantine facilities, for example, by offering medical technologies, drugs or other goods that are necessary to ensure that the basic needs of quarantined groups are satisfied. This would be especially important if the government struggled with maintaining quarantine in an effective, fair and humane manner.

All-in-all, we hold that Young's notion of political responsibility implies a mutual dependency between actors that have a social connection to structural injustice, and this particularly holds for corporate actors and governments. In the current globalized world they need each other to effectively take responsibility for justice. Taking political responsibility requires corporate actors to not only develop private initiatives, but also (1) to support government in developing governance schemes that would allow business to engage with its political responsibilities in an effective and fair way; (2) assist governments that lack the capacity to effectively take their governmental responsibilities and (3) lobby or push to change the policies of (unwilling) governments that take insufficient action to combat structural injustice and harm. Governments at the same time remain the primary responsible actors for actions that require coercion and for a fair allocation of public goods. This also prevents corporations from becoming burdened with inappropriate political responsibilities such as coercion at the costs of its economic responsibilities. In addition, governments should create guidelines to encourage, stimulate and push corporations to engage in corporate citizenship and develop legislation in order to organise political corporate responsibility in a democratic and efficient fashion. In doing so business and government can collectively address structural injustices.

IV. Discussion and conclusion

The academic debate on corporate citizenship is ambiguous about the scope of political responsibility of corporate actors and the division of responsibilities between corporate and governmental actors. Iris Marion Young's work on responsibility for justice sheds a new light on these problems. On the basis of her work we provide a more substantial normative foundation for corporate political responsibility and put forth that the scope of this political responsibility can be narrowed by recognizing that coercive actions that are necessary to ensure freedom and fairness remain a central governmental responsibility. At the same time a Youngian interpretation of political responsibility makes clear that corporations have a responsibility to help or push national governments or supranational institutions when they are unwilling or unable to take responsibility and even work towards the creation of public regulatory institutions when these are absent. These insights jointly present a third way between the more government focused subsidiarity approach of Assländer and Curbach, and the more corporate-centred theory of political CSR by Scherer and Palazzo.

Although we believe this reading of Young provides helpful insights in the debate on corporate citizenship and the political responsibilities of business, it only is a first attempt to specify the scope of corporate responsibilities. While restricting the political responsibilities of business to non-coercive activities, one might wonder whether this is not still overburdening the corporation with additional tasks and responsibilities. Even though Young provides some indication of what can be reasonably expected of different actors concerning structural injustices – relative capacities and degree of connection to injustice seem to be key – these parameters of reasoning remain notoriously vague (Neuhäuser, 2014). In order to think about what can be expected of corporate actors operating in different sectors and in countries with various degrees of (in)effective government, it is imperative to further explore these parameters and corresponding grounds for responsibility. In doing so it will be possible to see how stringent political responsibilities of business are in specific situations of injustice and how they can be discharged (cf. Tempels, Verweij, & Blok, 2017) .

While ample questions on the responsibilities of business in society remain, this Youngian interpretation of corporate political responsibility shows that taking political responsibility is neither just a matter of organizing political legitimacy within the corporation, nor one of fitting political responsibilities of corporate actors in a political hierarchy. Political responsibility for structural injustices expands the range of responsibilities of business, requiring corporate actors to deploy private actions to contribute to global justice, to cooperate within its own sector to address harms, but also to work together with and to lobby governments and international institutions to combat these injustices. Both governments and corporate actors

share responsibility for justice and will have to push each other to take action against injustice.

Notes

1. In this paper we approach the notion of corporate social responsibility from a normative perspective, seeking to provide a framework to define the responsibility of business for society and the environment. In practice taking this responsibility connects to Corporate Social Responsibility (CSR) as business policy and instrument, as discharging this corporate responsibility will in business practice often take the shape of CSR programs.
2. Wicked problems can be understood as complex, ill-structured public problems, that are hard to pin down and are unlikely to be solved in traditional ways (for instance through governmental intervention) (Blok, Gremmen, & Wesselink, 2016).

CHAPTER 3

Big Food's ambivalence: seeking profit and responsibility for health

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Chapter 3 Big Food's ambivalence: seeking profit and responsibility for health

I. Introduction

Companies and corporate activities are often portrayed as major causes of health problems, and this is so for good reasons. The detrimental impact of the sale of tobacco products and alcoholic beverages on health is obvious, and nowadays the food sector is also criticized for contributing to disease and ill health. Many food and beverage companies produce and market products that contain large amounts of salt, sugar, and fat, which are important contributors to obesity, type 2 diabetes, and other so-called lifestyle diseases (Moss, 2013; Nestle, 2015; Stuckler & Nestle, 2012).

At the same time, food companies are active in innovation and product development that aim to create healthier products or variants (e.g., by removing trans fats or reducing salt). Some also engage in social programs that encourage people to take up a healthy and active lifestyle (Aldwinckle & Knight, 2014; Nestlé, 2014). Nevertheless, such activities may well cause skepticism because in a competitive market context the ultimate motivation of companies seems to be to make a profit, even at the expense of consumer health.

Here we suggest that the situation is more complex and that the behavior of several companies reflects an ambivalence or even a split corporate personality, as they both contribute to population health problems and engage in activities to prevent such problems. Moreover, as far as population health involves collective action to promote and protect the health of the population and the food industry can play a major role in promoting healthy nutrition, it makes sense to see companies not merely as culprits that cause health problems but as sharing in societal responsibility for population health (cf. Rothstein, 2002; Verweij & Dawson, 2009). This implies that in evaluating the moral role of the food industry, one should focus not only on backward-looking responsibility (involving questions of praise and blame) but on forward-looking responsibility as well: from an ethical perspective, what can and should food companies do to promote health?

In this article, we suggest pathways for corporate responsibility and propose a research agenda in which governments, individuals, civil society, and businesses play a central role in taking on population health problems.

II. Irresponsible practices of 'Big Food'

The notion of corporations taking responsibility for health is heavily contested. Although there is a clear recognition in the public health debate that food and beverage multinationals play a crucial role in determining what a large part of the global population eats and drinks, corporate actors are frequently considered to be part of the problem rather than part of the solution (Hastings, 2012; Stuckler &

Nestle, 2012). Arguably, multinational food and beverage companies have been a driving force in the increase in the global consumption of processed foods that contain large amounts of salt, sugar, and fat, as well as in the growing consumption of soft drinks and other sweetened beverages (Moss, 2013; Nestle, 2015; Stuckler & Nestle, 2012). The industry is now being scrutinized in relation to the products it produces, the way certain products are being marketed, and the influence it has on political decision making regarding national public health policies and international public health guidelines.

With regard to the products that are being produced, critics point to the development of 'hyperpalatable' food products, for instance. Hyperpalatable products are engineered to have more rewarding properties, which is achieved by increasing the levels of sugar, salt, fat, flavor, and so forth. These properties are present not only in fast-food products but also in products such as soft drinks, candy, and cured meats that are put on the market by multinational enterprises (MNEs) including Nestlé, Mondelēz, and PepsiCo (Gearhardt, Grilo, DiLeone, Brownell, & Potenza, 2011). Food science research has shown that these types of products can stimulate neural circuits similar to those that are stimulated in cases of drug addiction. Although such products have only a fraction of the addictive effects of recreational drugs, these findings have led some researchers to cast doubt on the notion that all food-related health choices and their effects are solely the result of autonomous individual choice and are therefore a personal responsibility (Blumenthal & Gold, 2010; Gearhardt et al., 2011).

Today, the marketing practices of these food giants are criticized (Dorfman et al., 2012; Nestle, 2015; Smith, 2012). Food marketing practices aimed at children (e.g., character-branded products, gamification of products, and free gifts, such as toys that come with a product) are criticized given that kids are unable to distinguish between truth and fiction in advertising and that such advertisements stimulate them to eat high-calorie, low-nutrient food and beverage products (Elliott, 2015). Furthermore, increased attention is being given to how sugary drinks and fatty foods are promoted at sporting events, music festivals, and schools. At some universities, there is increasing opposition to granting 'pouring rights' to major beverage companies that predominantly sell sugary drinks because this practice would eliminate the possibility of opting for a more healthy beverage choice (Nestle, 2015).

With respect to the political activities of food companies, several companies have been actively promoting research that undermines public health practices while simultaneously lobbying against certain programs that promote public health, such as the soda regulations in Mexico and New York City and the European Parliament's proposal to include mandatory front-of-package nutrition logos on prepacked foods. Critics argue that, by engaging in these practices, the industry is shaping public policy to its own private interests rather than to the public interest (EurActiv, 2010; Rosenberg, 2015; Shelley, Ogedegbe, & Elbel, 2014).

Such activities allow the opponents of Big Food to argue that these companies are actively contributing to the rise of noncommunicable diseases such as obesity, heart failure, and type 2 diabetes (Dorfman et al., 2012; Nestle, 2015).

III. Corporate social responsibility in the food industry

With full recognition that these practices can be considered problematic, the reality of corporate behavior is more equivocal and complex, as many food companies are making concrete efforts to contribute to population health. There are numerous examples of corporate social responsibility (CSR) activities in which corporations engaging in social programs that encourage people to take up a healthy and active lifestyle also develop healthier or less unhealthy products (e.g., vitamin-enriched biscuits, light products) (Aldwinckle & Knight, 2014; Nestlé, 2014). Furthermore, food multinationals are cooperating with governments and nongovernmental organizations (NGOs) in multistakeholder alliances that aim to contribute to population health (e.g., sponsoring sports events, educating people about healthy food). Taking into account these activities, one could argue that food corporations are in fact partially accepting their responsibility for population health (Hartmann, 2011).

However, those more critical of the industry point out that these programs have four major downsides, as CSR programs can be seen as (1) a means to draw attention away from health-undermining products, (2) a way to stave off governmental regulation, (3) an insincere way to burnish a company's reputation (using health activities merely to strengthen the market position of the firm), and (4) a method to shift responsibility to the consumer (Mudd, 2013; Nestle, 2015; Stuckler & Nestle, 2012). To illustrate the last drawback just listed, a majority of programs are aimed at providing information to consumers, making them aware of the number of calories they consume and how many calories they burn. Rather than looking critically at the products they are putting on the market and how they are marketing them, food companies implicitly or explicitly see healthy nutrition as a responsibility of individuals themselves (Crawshaw, 2012). As a result, it is no surprise that several public health scholars view CSR activities as attempts by the industry to exculpate itself rather than to help solve public health problems (Hastings, 2012; Stuckler & Nestle, 2012).

The social behavior of many food and beverage corporations is met with skepticism because the paradox of corporations actively marketing and selling products that are harmful to health on the one hand while engaging in health initiatives on the other hand is deemed insurmountable. This leads those critical of the role of corporate actors in the (global) food system to argue that, given these efforts, "food systems are not driven to deliver optimal human diets but to maximize profits" (Stuckler & Nestle, 2012, p. 1). This notion resonates with Joel Bakan's work on the corporation; he considers it to be an entity that relentlessly seeks both power

and profit without paying heed to the harmful consequences of its behavior (Bakan, 2012).

Health-related corporate activities – whether new product developments, social initiatives, or engagement in private regulation for public health – are ultimately seen as efforts that contribute to the maximization of profit (Smith, 2012; Stuckler & Nestle, 2012). Therefore, instead of private and public-private governance, society is in need of additional governmental legislation and rule setting that can curb the negative corporate impact on population health (e.g., obligatory front-of-package labeling, additional taxes on unhealthy products, constraints on marketing, and regulation of the availability of specific products) (Bakan, 2012; Crawshaw, 2012; Dorfman et al., 2012; Panjwani & Caraher, 2014; Verweij & Dawson, 2009; Yoon & Lam, 2013).

IV. A split corporate personality

Although the preceding analysis of corporate impact on health is compelling, it is not complete. It is clear that there are corporate activities that negatively affect population health. Certain practices such as marketing directed at children and extensive lobbying against governmental public health regulations are morally problematic. Yet what this analysis of the food industry overlooks is that – regardless of whether one considers them to be marginal or ill motivated – there are corporate efforts that aim to contribute to health, and it is plausible that they will have some success in improving public health. Within the grim storyline set out in the preceding section, we are looking for a silver lining and will provide a more nuanced perspective on the role the industry can play.

This can be done by first recognizing that in the food sector there are various companies that explicitly endorse sustainability and social responsibility in their business strategies, positioning themselves as ‘the ethical players’ in the market. In the United States there has been the rise of Whole Foods Market, whereas in Europe supermarkets such as EkoPlaza (the Netherlands) and The Co-operative Food (United Kingdom) are gradually establishing a stronger position in the market. At the same time, there are corporations taking individual actions to improve population health. The research in the 1980s on alternative sweeteners and the development of low-sugar products can be considered steps toward healthier food products. However, this transition is likely to have been motivated by commercial rather than ethical considerations. For instance, Coca-Cola’s Diet Coke was specifically introduced for women “who then would not have to worry about calories,” (Coca-Cola, n.d.) thereby opening up a new segment in the market.

Yet there are examples in which companies appear to be more strongly motivated by ethical considerations. For instance, in the early 1990s Unilever conducted research on trans fats despite the fact that at that time trans fats were considered to be safe and were used in the production of several food products.

When it was shown that trans fats did have a more negative impact on heart health than saturated fats and this finding was reported in the media, Unilever decided in 1994 to remove trans fats from all of its margarines and spreads (Korver & Katan, 2006). This is remarkable as, apart from the possible positive contribution of this research to consumer credibility in the future, there does not seem to have been a short-term market incentive to make such a decision (Unilever was unlikely to directly increase its profits by removing trans fats), nor was a change mandatory or enforced through national governmental regulations.

Unilever was one of the first companies to eliminate trans-fat acids in certain products, thus voluntarily taking action to improve population health. In a similar fashion, the company is now actively reducing the amount of salt in its products. By 2020, it aims to have 75% of its food portfolio meet the World Health Organization's recommendation of a maximum intake of 5 g of salt per day (Unilever, n.d.).

Apart from such individual activities, there are also public-private initiatives in which major food MNEs cooperate with governments to contribute to health. One of the foremost examples in Europe is the development of front-of-package nutrition logos for healthy food. A front-of-package logo informs consumers and can help them make healthier food choices; for example, the UK traffic light label employs red, amber, and green color coding to indicate the extent to which a product is healthy. Other programs, such as the Dutch Choices Program, do the same while also creating incentives for food companies to innovate and make their products healthier (Blok et al., 2017; Food Standards Agency, 2007; Vyth et al., 2010).

Taking the developments just described into account shows how the picture is more nuanced than some authors in the public health debate paint it. It is clear that the companies engaging in CSR are not saints. They employ opposing strategies, promoting population health on the one hand while putting products on the market that can harm population health on the other. Although there are reasons to be skeptical about the efforts of some MNEs in the food system, the corporate activities discussed here that have a positive impact on health should not be ignored.

Instead of viewing the majority of the food and beverage multinationals as unyielding profit seekers, we propose that these companies are behaving as if having a split personality. By neglecting the incongruity in corporate behavior, scholars in the public health debate seem to discard the opportunity of corporations taking responsibility for health seriously. As a result, the debate on food and public health predominantly focuses on the roles and responsibilities of the government as opposed to the responsibilities of citizens, fueling the debate on state paternalism (Conly, 2013; Mayes & Thompson, 2014).

Yet, population health problems are complex in that there are many social determinants and societal actors that shape and influence them. Although governmental health promotion (e.g., regulation, education) is necessary to reduce malnutrition and overweight, it is not a panacea as governmental activities

frequently do not have the desired effect. Hence, it might in fact be crucial for corporations and other societal actors to also take responsibility for population health (Turolto 2009; Van Huijstee, Francken, and Leroy 2007; Verweij 2014). Therefore, to work toward structural change in relation to local, national, and global health issues, our reflections on responsibility for health should venture beyond the concepts of governmental and personal responsibility and move toward a different conception of responsibility, namely that of shared responsibility.

V. Towards a shared responsibility for health

Rather than viewing responsibility for health and healthy nutrition as either a personal responsibility or a governmental responsibility, responsibility for population health can be seen as shared among multiple actors, including actors in the private sector (Turolto 2009; Van Huijstee, Francken, and Leroy 2007; Verweij 2014).

The work of political philosopher Iris Marion Young gives more substance to this idea. According to Young, people carry responsibility for structural injustices (Young, 2011). These are harms that people incur as a result of structural processes in which a multitude of actors participate. Population health problems can be understood as such. When examining problems such as obesity, one can attempt to single out a group of actors as the main culprit, as would be the case when understanding responsibility as liability. One could point a finger at the food multinationals because they sell and market hyperpalatable fatty foods and soft drinks, blame consumers for eating too much and exercising too little, or hold governments responsible for not providing sufficient regulation to promote public health.

Young subsequently moves away from this backward-looking idea of responsibility and considers these structural problems as emerging from networks of collaborating and interacting actors (Schrempf, 2014; Young, 2011). As such, each actor operating within these structures that cause injustices has a responsibility to remedy related problems. Population health problems then become shared problems that require collective action. Although governments have an important part to play in terms of regulation and enforcement, Young has pointed out that governments might not always be willing or able to take effective action in the area of population health. Hence, nongovernmental actors such as food multinationals, schools, NGOs, restaurants, employers, citizens, and families also have an important role to play (Turolto, 2009; Verweij, 2014; Young, 2011).

This allows for a more pragmatic position in the debate on responsibility for population health. Instead of solely asking 'Who caused this?' and blaming specific actors, it allows for a more constructive, forward-looking approach to responsibility, one that places remedying these problems in a central position and looks at which actors are best placed to take action (Young, 2011). Grounds for attributing this

responsibility are not only found in a causal connection (the role an actor had in creating a problem) but also determined by whether an actor benefited from a situation of harm, the actor's capacity to change the undesirable situation, and the extent to which the actor is embedded in a specific community or society where these injustices occur (Miller, 2001).

Taking this perspective also allows for a more positive role of the food and beverage industry. Although the contradictory practices of food MNEs can give reason to doubt their intentions, the focus should not merely be on blaming the industry for being a significant causal factor in the increased prevalence of noncommunicable diseases; it also has a responsibility to contribute to possible solutions. This gives rise to the question 'What could taking responsibility be like in the day-to-day practices of various actors in the industry?'

Providing information on a product, such as Mars Food's recent efforts to inform its consumers about which of its products can be consumed on a daily basis and which cannot, is prudent yet also a bare moral minimum (Mars, 2016). Forward-looking responsibility for health entails more than informing consumers about the properties of a product. One can imagine, for instance, food and beverage MNEs conducting longitudinal research on how products with high levels of salt, sugar, and fat affect individual health when consumed on a daily basis; subsequently communicating this information to their consumers; and using their knowledge and research skills to make their products healthier. In addition, taking this responsibility could even entail step-by-step changes in the product catalog of a company, shifting from unhealthy products to healthier products, for instance Coca-Cola deciding to eventually substitute its regular Coke for Coca-Cola Life, Light, and Zero.

Apart from the multinationals, other players in the food chain such as supermarkets can also play a part, for instance by using their marketing expertise and power to nudge people in a more healthy direction (Verweij 2014). Furthermore, taking collective action for population health could entail that food companies cooperate with each other to develop healthier food products, collaborate to decrease the amount of unhealthy products (for instance, in the United Kingdom and Ireland inner-city supermarkets have proposed limiting the sale of cheap mixed drinks to combat binge drinking (Claassen & Gerbrandy, 2016)), support corporate taxes to fund independent national or international public institutions in conducting health research, or even lobby at the governmental level for increased regulation and new standards for healthy food to create a level playing field. There are in fact many ways in which food MNEs and retailers can take responsibility for population health.

VI. Conclusion

Although the notion of shared responsibility does not provide a clear-cut solution to the role businesses should play in population health problems, it does show that the possibility of corporate responsibility for health should not be neglected. What the scope of this corporate responsibility should be and how it relates to the responsibilities of other actors (governments, NGOs, consumers) require further ethical reflection and debate. Connecting the debates on public health ethics, CSR, health sciences, and business ethics opens up room to work toward a more sophisticated and inclusive approach to responsibility for public health in the food industry.

If one is serious about tackling population health problems, it is imperative to realize that these problems are multifaceted and connect many different actors who all have and should take responsibility. This naturally includes governments, which, given the ambivalent behavior of business with regard to population health, still have an ample role in ensuring compliance with legal standards and developing regulations that require businesses to be accountable for their moral responsibilities. At the same time, taking on these complex health problems requires us to rethink the responsibilities of citizens, societal organizations, and especially the food industry itself (Reich, 2008; Verweij, 2014; Young, 2011). Taking this shared responsibility seriously would require companies to go beyond current CSR practices and take a more proactive stance toward population health.

CHAPTER 4

Food vendor beware!
On ordinary morality and
unhealthy marketing

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Chapter 4 Food vendor beware! On ordinary morality and unhealthy marketing

I. Introduction

In the debate on corporate responsibility there is ongoing discussion on the legitimate impact of businesses on public issues. One of the sectors where firms are increasingly attributed responsibility is in the food and beverage industry¹, where firms are criticised and held responsible for the rise of non-communicable diseases (NCDs) such as obesity and type 2 diabetes (Stuckler & Nestle, 2012). Critics call out for a fundamental change within the industry, entailing both a change in the way products are developed and designed as well as a change in the means of marketing and product promotion. They are often pessimistic about the possibility of ‘Big Food’ changing their activities for the better. Rather than trusting firms’ abilities for self-regulation, these critics put forth that stronger governmental regulation of the industry is a bare necessity (Marks, 2017; Moss, 2013; Nestle, 2015). Only through laws that enable the taxation of unhealthy products, limit corporate influence on public policy making and prohibit marketing to vulnerable populations, can the negative impact on public health be curbed (Gilmore et al., 2011; Stuckler et al., 2012; Yoon & Lam, 2013).

On the other side of the aisle business scholars point out that the rise of NCDs cannot be fully attributed to Big Food as the increased prevalence of these diseases is the result of the interplay of decisions and behaviours of various private and public actors. Businesses can provide healthier options and inform people about what healthy consumption and behaviour would be, but in the end it is the consumer that makes the decision to eat (un)healthy or to engage in unhealthy behaviour (cf. Epstein, 2004; Iivonen, 2017).

At the same time, this does not do away with the fact that these firms have an important role in sustaining the prevalence of NCDs. It is the interplay of practices of industry in the market and society at large that create, induce and enable specific *patterns of unhealthy consumption* that contribute to obesity and other NCDs. While governmental action is necessary to deal with this epidemic, this does not mean we should not think about industry’s responsibility and what they should and should not do to address these problems (Schrempf, 2014; Tempels, Verweij, et al., 2017).

From a normative perspective it can be argued that firms in the food and beverage industry have a mediated causal connection to food-related public health problems, and because of this have a responsibility to address these controversies and should work towards addressing consumption-related NCDs. This responsibility is forward-looking, and is framed in terms of positive action: what can businesses do to turn the tide in the global obesity epidemic? And how they can strengthen healthy

consumption? It provides guidance in what kind of affirmative actions would be *morally desirable*, e.g. businesses should develop more healthy products, encourage people to have a healthy energy balance, nudge people towards healthier decisions and maybe even encourage stricter public health regulation (Blok et al., 2017; Schrempf, 2014; Tempels, Verweij, et al., 2017).

Yet, to fully understand what corporate responsibility for public health can entail for food firms, we should not only think of the kind of positive actions corporate actors can engage in. Firms are often keen to point out what kind of activities they are willing to take up in their long-term strategies, but find it harder to point out what kind of things they will no longer do. Still, in order to say something about responsible corporate behaviour, we should also assess what kind of activities are impermissible. To do this we assess what kind of behaviour in the food industry that impacts public health violates basic moral requirements, and thus are *moral wrongs* which firms should refrain from engaging in. In this article we explore under what conditions the sales and marketing of unhealthy food and beverage products is *irresponsible*.

In order to provide a plausible answer to this problem we first briefly set out what these basic moral requirements are. In section two we draw from the contemporary debates on ordinary morality and corporate responsibility to highlight non-maleficence and the notion of respect for autonomy as central principles that need to be adhered to when engaging in market and non-market activities (cf. Brenkert, 2008; Gert, 2004; Hsieh, 2017). In the third section we discuss how the principle of non-maleficence and the notion of respect for autonomy are relevant when thinking about immoral behaviour in the food and beverage industry. We show how health harms are not a sufficient consideration for arguing that sales and marketing of unhealthy food products would be irresponsible, and hold that respecting autonomous choice is at the heart of this debate. In the fourth section we look at under what circumstances marketing to adults can be understood as wrongful and in the fifth section we assess the problems in marketing unhealthy food and beverages to children and teenagers. On the basis of this we find three conditions under which sales and marketing of unhealthy products is irresponsible, which are outlined in section six. In the final seventh section we reflect on what these findings imply for corporate practice and make recommendations for future research.

II. Ordinary morality – a basic minimum for businesses

In business ethics there is considerable discussion on what kind of moral principles should guide the behaviour of individuals and organisations. Several authors argue that there are *basic* or *common principles of morality* that regulate how we ought to behave. Bernard Gert (2004) provides such a theory. He understands morality as:

“an informal public system applying to all rational persons [...] governing behaviour that affects others, and includes what are commonly known as the moral rules, ideals, and virtues and has the lessening of evil (harm) suffered by those protected by the system as its goal.” (Gert, 2004, p. 156)

He argues that harm – here understood as death, pain, disability, loss of freedom and loss of pleasure – is something all rational actors try to avoid. Rational actors are to refrain from directly harming others, or engage in activities that would likely result in harms to others (deceive, break promises, cheat, break the law, not doing one’s role specific duties) (Gert, 2004).

While Gert specifically talks about moral behaviour in society in general, Nien-hê Hsieh (2017) makes a comparable argument when discussing what kind of principles should guide the behaviour of corporate actors. Taking a stance counter to scholars such as Joseph Heath (2007) and Wayne Norman (2011) who argue in favour of a specific (adversarial) morality for the market, Hsieh argues that *ordinary morality* provides a solid framework for the responsibilities of firms and their managers in relation to their consumers and society at large. In reference to this ordinary morality Hsieh points out that negative duties such as the responsibility to refrain from harming others and undermining the autonomy of other actors, are well-established, and should be adhered to both in the market as well as in society (cf. Lichtenberg, 2010). These basic moral rules can help establish a more clear idea about what kind of activities are permissible and which are not, and provide guidance to how firms and people working in business ought to act (Hsieh, 2017).

In an ideal world people and organisations would adhere to rules of ordinary morality, act upon these principles and regulate their own behaviour. Yet, there will always be unforeseen consequences of our actions and unexpected events to deal with. For that reason we need rules and regulation to provide a safety net, allowing us to not have to solely trust on the good intentions of others. We also see this in the food and beverage industry: most governments provide laws and regulations to structure the food market and for instance set safety standards for products.

At the same time not everything can be regulated by the government. In the Netherlands for example communication about healthy food is not controlled by the government, but is left to the industry. It is expected to self-regulate and contribute to public health. Yet, in the wake of the rise of NCDs and the global obesity epidemic, numerous authors argue that we cannot expect much of corporate actors when it comes to taking responsibility for public health. They put forth that more governmental rules and legislation are the only way to deal with the spread of food-related public health harms (McKee & Stuckler, 2018; Nestle, 2015).

While state regulation is an absolute necessity in dealing with the surge of NCDs, we hold that by only focusing on regulation, there is a risk of reducing business ethics to obeying the law. Arguably ethics is about more than just adhering

to the moral minimum that is formalised in legislation. In our daily activities we are often confronted with situations that the law does not fully cover, yet we still hope actors would engage in moral behaviour – even if this is not specifically outlined in rules or legislation. Furthermore, laws might be ineffective, morally insufficient or even unethical. If we only refer to the law as the minimal moral standard, current injustices as well as new developments that might lead to harm might not be sufficiently addressed (Gert, 2004). In order to act responsible, corporate actors need to continually reflect on this in their daily activities. So rather than only asking ‘Is this product meeting the governmental safety standards?’ or, ‘Is this marketing tool deceptive according the new sector guidelines?’ in order to speak of corporate responsibility people in business would have to reflect on the acceptability of their actions based on central principles in ordinary morality. They ought to reflect upon whether their products and actions might unduly harm others, or infringe upon autonomy in some way – even in absence of legal rules.

Following Gert and Hsieh we discern two overarching principles from ordinary morality that hold sway in thinking about what corporate practices are morally (un)acceptable, namely 1) the principle of non-maleficence (or the duty not to harm) and 2) respect for autonomy (Brenkert, 2008; Brockway, 1993; Crossley, 1999; Gert, 2004; Hsieh, 2017). In the next section we will discuss these two principles and set out what this can imply in the industry’s provision of unhealthy foods and beverages.

III. Health harms and respect for consumer autonomy in the food and beverage industry

In this section we briefly set out the principles of non-maleficence and respect for autonomy, see what adhering to these principles can imply for food firms, and illustrate this by touching upon some health-related issues.

Harm and non-maleficence in the food industry

One of the primary principles in ordinary morality is the principle that one ought not to inflict harm upon others (cf. Beauchamp & Childress, 2009; Feinberg, 1989; Gert, 2004). What harm exactly consists of is up for debate, but as Beauchamp and Childress state: “although harm is a contested concept, everyone agrees that *significant bodily harms and other setbacks to significant interests are paradigm instances of harm*” (Beauchamp & Childress, 2009, p. 152, emphasis added).

There are instances under which harm might be legitimately inflicted upon others, namely when the harm is consensual. People often engage in activities that can bring about financial or bodily harm (e.g. they go base-jumping, consume alcohol and smoke cigarettes etc.). We commonly assert that such actions do not constitute a moral wrong, as long as the harm risked or incurred was done so knowingly and willingly by the persons involved in these activities. The notion that

this is morally permissible can be traced back to the ancient maxim of *volenti non fit injuria* (“To one who has consented no wrong is done”) (Brink, 2016). So, when a person consents to being harmed or is voluntarily exposed to the risk of harm – so there was no coercion, misinformation or undue influence – we cannot understand this as a moral wrong. Both this understanding of harm as well as the *volenti* principle have important implications for how to assess the (ir)responsibility of the food industry in selling unhealthy products.

The regulated wrongs: non-consensual harms to health and unsafe food

In the context of the food market the possibility of harm is most clear in the case of unsafe foods. A company is *blameworthy* when it knowingly and willingly engages in sales activities that it knows can harm its consumers. We can speak of *blameworthy harm* when a producer intentionally makes use of ingredients that have harmful effects, or knowingly distributes tainted food. The latter for instance happened at the Peanut Corporation of America. In 2008 and 2009 the company was responsible for Salmonella contamination of 714 people, of which nine eventually died. The management of the firm was considered blameworthy, because it knowingly sold the infected food across the country, and actively tried to conceal the issue at hand (Leighton, 2016; Marler, 2018) .

In absence of clear harmful intent, firms can still be held responsible for harms that occur because of *negligence*. Food producing companies might be considered negligent when they unknowingly put products on the market that do not meet the required food safety standards. In these cases it is argued that even though they were unaware, they could or should have known this. For instance in 2012 the owners and operators of a melon farm had unknowingly introduced cantaloupe melons to the market that contained the harmful *Listeria* bacteria. The company failed to act, while there was a clear expectation that firm would care for this. As a result the owners of the farm faced up to six year in prison and a fine of 3 million dollars (Marler, 2018).

In these instances food firms can clearly be held morally responsible for harms to health – and appeals to the *volenti* principle will not do. Consumers are not in a position to discern safe from unsafe foods, and if they would have a real choice, few would voluntarily choose for unsafe food. Precisely because they are not in a position to choose for themselves, we expect the government to secure food safety. The core implications of the principle of non-maleficence are thus governed by often strict legal regulations and inspections. Legal obligations of food companies to maintain food safety standards are therefore much more prominent than the concurrent ethical principle of non-maleficence.

A less obvious case: negative health effects of unhealthy food products

Following Barnhill (2014) we make the distinction between *unsafe* and *unhealthy food*. Unsafe food in her view refers to foods that pose a risk of immediate harm (for instance food mixed with arsenic), foods that pose a risk of harm at any level of consumption (such as disease-carrying food) or products where the risk is induced through non-food substances (e.g. foods containing mercury). *Unhealthy food products* on the other hand are those products that significantly increase the risk of food-related health harms (such as non-communicable diseases), but do not pose an immediate harm to health, and whose risk-attributing components are food substances (e.g., salt, sugar, fat) (Barnhill et al., 2014).

Several public health professionals argue that *unhealthy food products* in themselves are a problem as frequent consumption negatively impacts people's health, and therefore the sales of such products should be limited or even banned (cf. Nestle, 2013). The problem with such a position is that it overlooks non-health values and the importance of consumer choice. While we do not dispute that health is essential and greatly valued by most people, that does not mean it cannot be weighed against other valuable experiences. Many consumers prefer the short-term hedonic pleasures provided by unhealthy products that are high on sugar, salt and fat, over avoiding elevated health risks later in life (Barnhill et al., 2014; Conly, 2013). Unhealthy food products and eating practices bring pleasure in terms of taste and can be of social and cultural value. Now, given the possibility of consumer choice in this context, appeals to the *volenti* principle do make sense. So as long as people are able to *freely* and *knowingly* decide on what they consume there is nothing wrong in selling unhealthy foods.

This does not mean we cannot say anything about the moral impermissibility of promoting and selling unhealthy food products to consumers. The sales and marketing of unhealthy products would be harmful and thus morally wrong as a matter of non-maleficence if the *volenti* principle is not met – which is the case if there is insufficient room for autonomous decision-making. In the next subsection we explore in what ways consumer decision making can be unduly influenced in the sales of unhealthy products.

Undue corporate influence on autonomy

Apart from the duty not to inflict harm, the notion of respecting autonomy is central to our more basic understandings of morality. As Beauchamp & Childress state “to respect autonomous agents is to acknowledge their right to hold views, to make choices and to take action based on their personal values and beliefs” (Beauchamp & Childress, 2009, p. 103). It involves “the ability to deliberate, judge, choose and act upon different possible courses of action in both the private and public realm” (Held, 2006, p. 263). This means that infringement of autonomy can take place both in the

private realm (for instance in the market) as well as in the public realm (for instance in politics).

In business ethics the idea of respect for autonomy is often rephrased under the header of *respect for consumer sovereignty*². This closely connects to one of the dominant assumptions in (classic) economics, namely that consumers are rational, autonomous actors that can make their own voluntary decisions. Corporations have to refrain from engaging in behaviour that would violate the autonomy of the consumers (Ebejer & Morden, 1988; Hasnas, 2009; Sher, 2011). In regular market activities this principle is connected to the idea of *honest dealing*, meaning that transactions are only permissible as long as both parties *knowingly* and *voluntarily* consent to a deal (so indeed the idea of respect for autonomy, and the conditions of the *volenti* principle do coincide). In practice this means that when engaging with consumers firms should – at the very least – disclose all relevant information about a product in order to allow for the other party to make a well-informed decision. In addition, they should also refrain from unduly intervening in the decision-making process of the consumer (Ebejer & Morden, 1988; Hasnas, 2009).

If firms want to engage in morally acceptable behaviour, this means that they have to respect the autonomy of persons. The question of course is what kind of corporate behaviour can be seen as violating autonomy in these senses? Respect for autonomy not only entails that people have to be free to make their choice, it also implies that people have to be provided with information and reasons to make their choices. In our societal interactions we often do not merely provide information, it also entails persuading and influencing people. Providing people with information and communicating this to them in a fair fashion enables them to make their autonomous decisions. To illustrate this: we generally consider it laudable when a company informs a customer about the properties and potential value of a product or when the local government warns cyclists about dangerous crossings (cf. Sunstein, 2016). Providing such information allows the individual to make a proper decision.

Still in reality this process of decision making is not always respected. Although straightforward coercion would hardly ever happen in normal market contexts, other forms of infringement on autonomy do occur often enough. People are deceived, lied to, kept in the dark and manipulated. We briefly discuss these ways of influencing people, point out why they are problematic and illustrate this with examples from the food industry.

Deception, lying and keeping in the dark

One way in which autonomous decision-making processes can be hampered is by intentionally controlling people's information circumstances, leading to the creation of false or incomplete beliefs (Carsons, 2009). Following Carsons we make the

distinction between lying, deception, and keeping in the dark, as different ways in which informational circumstances can be impaired.

Lying can be understood as the act of making statements which one does not believe to be true (or rather, one believes to be false) with the intention of causing others to have false beliefs (Carsons, 2009). This does take place in the food industry when firms make unsubstantiated claims about the nutritional value, health impact, or composition of their products. For instance the Dutch supermarket Jumbo advertised its 'honest cornbread', however – unlike the name suggested – the bread was not made of corn flour, but of regular wheat (Foodwatch, 2017).

Deception is more subtle, but has the similar aim of causing another person to have false beliefs. A company deceives a consumer when it intentionally causes the consumer to believe something, while this something is false and the company also believes this to be false (cf. Carsons, 2009). Deception can take many forms and shapes. In the food industry we see packaging and marketing that suggests that a product is healthy or contains a large portion of healthy ingredients, while this is not the case. For instance Sourcy's Raspberry Pomegranate Vitamin Water, contains no raspberry or pomegranate, but does consist of substantial amount of sugar. The fruit and vitamins are at the front of the pack, while the nutritional value is in very small cryptic text at the back of the bottle (Consumentenbond, 2017). By communicating these products in such a way people are tricked into believing that they are healthy, fruity etc.

Keeping in the dark can be seen as a special way of with-holding relevant information for how we see and evaluate products³. Rather than actively lying or deceiving someone, a person can also refrain from telling the truth (cf. Carsons, 2009). An example of this is how the American Sugar Research Foundation (SRF) operated in the 1960s and 1970s. At that time the general public was unaware of the dietary causes of coronary heart diseases, and the impact sugar consumption could have on health. While research in the early 1950s already revealed this connection, the SRF purposefully prevented this research from reaching the public, leading a majority of people to continue to have incorrect beliefs about the negative health effects of sugar (Kearns, Schmidt, Apollonio, & Glantz, 2018; Kearns et al., 2016).

Manipulation

While lying, deception and keeping in the dark are often seen as forms of manipulation, we propose that it can also be seen as covert interference with people's decision making processes. Manipulation changes people's behaviour, by sidestepping the normal process of persuasion and is in an underhand fashion changing the way people see their options (Groen-Reijman, 2018).

Drawing on the work of Sunstein (Sunstein, 2016) and Barnhill (2016) we find two ways in which such manipulation can be understood, namely as *subversion of people's reflective deliberative capacities* and as *subversion of people's proper*

nondeliberative responses. Sunstein understands manipulation as actions that “do not sufficiently engage or appeal to their [people’s] capacity for reflection and deliberation” (Sunstein, 2016, p. 216). In the context of the market subliminal and subaudible advertising might be seen as a straight-forward examples of manipulation, while other practices such as redesigning a website in such a way that people become more inclined to buy the more expensive product could be seen a borderline cases. For Sunstein this type of influence is problematic as choosers did not have the fair opportunity to make a decision of their own, due to the interference of a (hidden) manipulator. Autonomy is infringed upon at the moment the manipulator is leading a person to make a choice without sufficiently weighing – on the chooser’s own terms – the benefits and costs of a particular decision. People are not being treated with respect at the moment that their *deliberative capacities are subverted* (Sunstein, 2016).

However, there are many choices and decisions people make that do not necessarily involve rational deliberation and reflection. Often our responses and behaviours in the world are not the product of our deliberative capacities, but occur emotionally and viscerally. For example, I feel attracted to my partner, I appreciate a pop song on the radio, and I enjoy the smell of freshly baked bread. None of these things are rational decisions, they come to me and I like them. These are what Barnhill calls *proper nondeliberative responses*. These responses should not be necessarily be understood as manipulative, for a person can reflect on them (Barnhill, 2016).

In the case of advertising and sales we might argue that deliberative reflection and non-deliberative responses go hand-in-hand: we form proper non-deliberative responses (I enjoy the smell freshly baked croissants), we gather information (I read the price and nutritional value of a product) and on the basis of the our non-deliberative responses and the provided reasons and facts we engage in internal deliberation and reflection and come to a decision (I decide not to buy the delicious smelling croissant for I want to lose weight). Arguably, it would be impossible for us to navigate the world without relying on non-deliberative responses. Moreover, triggering these non-deliberative responses is of course a major and well-accepted element of common marketing strategies aiming to influence consumer choice.

Yet, these nondeliberative responses might also be flawed or improper due to undue influence of other actors. This can for instance happen by drawing spurious relations between products and desirable things. The tobacco industry marketed the cigarette as the torch of freedom, appealing to a subconscious desire to be free. While it is consistent with Freudian motivation theory to appeal to these elements, it does create a spurious relation, as smoking in no way strengthens one’s freedom. That same thing happens when Coca-Cola in its commercials tries to make a connection between drinking Coca-Cola, happiness, and healthy beautiful people. As a result many people will first associate Coca-Cola with concepts as happy,

healthy, beautiful, rather than view it as the sugary, energizing drink that it really is. This in turn impacts the human affect heuristic. Advertisements or campaigns can create positive emotional responses to products, which pre-empt a careful rational decision making process. Playing on the affect heuristic leads people to make snap-decisions, due to their association with desires like happiness or freedom, rather than making a well thought-through choice (Barnhill, 2016).

On this basis of the above considerations we argue that actions are manipulative when: 1) an actor intentionally thwarts a person's rational deliberative capacities, and this person did not have sufficient opportunity to make a decision of his own due to this underhand interference of another actor; and 2) an actor intentionally triggers improper non-deliberative responses in a person that feed into his decision making process. Intentionally and covertly steering a consumer's practical reasoning and practical engagement with the world can be seen as problematic, for by (partly) taking over the decision making process, the manipulator is treating this person as both a 'tool and a fool' (Wilkinson, 2013). In extreme cases this involves exercising power over that person – steering his life in a particular direction, rather than letting him determine his own desired path, infringing upon both autonomy and human dignity (Barnhill, 2016; Groen-Reijman, 2018; Sunstein, 2016)

Many marketing techniques involve at least some manipulation or deception – and most consumers will be aware of that. To assume that the principle of respect for autonomy must be upheld in the market as strict as it upheld in for instance medical ethics, is rather implausible. Yet we have not only invoked respect for autonomy as a self-standing principle, but it is also linked to the principle of non-maleficence via the *volenti principle*. In the next section we argue that corporate actions that are in tension with both principles simultaneously can indeed be considered morally impermissible. We illustrate how these moral tensions are present in the sales and marketing of unhealthy foods and beverages.

IV. Towards conditions for judging the moral permissibility of selling and marketing foods and beverages

In section 3 we established that selling unhealthy food and beverage products does not have to be a problem, as long as the people have made a conscious and coercion-free decision to be exposed to the health risks. Yet, current research in health psychology and food sciences reveal that autonomous decision-making is under pressure. Our food choices and consumption behaviour are heavily influenced by product composition, the retail and eating environment as well as particular ways of product communication (Currie et al., 2009; Dobson & Gerstner, 2010; Elliott, 2015; Young & Nestle, 2002). These persuasive practices are not necessarily problematic in a market context, although they can be considered to be in a moral grey zone. When you enter a shop or walk across the market place on a Saturday afternoon you will

likely know that entrepreneurs will try to persuade you by arguments, tap into certain biological or social desires, influence you through sounds and images, all to ultimately invite you to buy their product or make use of their services. Influence and persuasion are part and parcel of market practice, and the vast majority of people are well aware of this (Beauchamp, Hare, & Biederman, 1984; Nairn & Fine, 2008; Sunstein, 2016).

Sunstein (2016) points out that manipulations are a pervasive feature of human life – they happen in our daily personal interactions, in the market, and in politics. Some are egregious such as subliminal messaging, questionable like scaring people using pictures, while others are mild – playing on loss aversion, changing tone of voice or using facial expressions. Yet all aim to steer people to make certain decisions. While these practices can partially infringe upon autonomy and human dignity, some of them are so engrained in our societal interactions – and this is certainly so in the market place – that it is difficult to argue that that all manipulative instances are inherently morally problematic (Sunstein, 2016).

Still, this does not mean that there are no limits to the kind of influence that food firms are allowed to exercise on their (potential) customers. Even though (mild) manipulation is always present in the marketplace, we hold it to be unacceptable when it steers people towards *unhealthy* choices, for in that case both the principle of non-maleficence and that of respect for autonomy are violated. More specifically: in such cases companies cannot rebut the charge of harmful activity by appealing to the *volenti* principle. Below we explore under what conditions selling unhealthy foods is morally impermissible.

Expectation of being manipulated

One of the elements relevant in assessing the moral wrongness of manipulation in market contexts is the extent to which a consumer can reasonably expect to be manipulated. Taking this expectation seriously, we have reason to consider manipulative or slightly deceptive influences to be wrong when they happen in contexts where consumers do *not* expect them to occur. Consider for example the following: my local baker is leaving his oven on all day not because this is necessary, but because he knows that the smell of fresh products entices consumers to buy his products. Now, suppose the baker also installs little emitters in the local park next to the store that recreate the smell of fresh pastries, with the intention to seduce people to visit the store and buy pastries. While there is nothing inherently wrong with ‘using’ the smell of the oven to promote sales where I can expect it, to do so in the park would be an instance of wrongful manipulation. In the park I’m not expecting to be influenced by covert commercial interventions or cues. In a similar vein, publishing sugar industry sponsored articles on the importance of eating sugar in a newspaper section that looks like the regular science section, can also be considered manipulative or deceptive (see Royal Cosun, 2017).

Consumers can furthermore reasonably expect to be influenced by the taste and look of a product. Yet, they will be less aware of specific cues in product formulation or product design, such as size relabelling. Keeping the consumer unaware of the fact that she is steered towards particular choices is morally problematic, and especially so if this stimulates unhealthy choices. In short: marketing strategies and product designs that are manipulative or otherwise undermine autonomous choice are morally wrong if used in contexts where a reasonable person would not expect them to occur.

The degree of manipulation

A second factor of moral (im)permissibility is the degree of manipulation. Minor manipulations are inevitable, but at some point they become morally wrong. In general one can argue that practices that subvert people's reflective capacities are more problematic than subversions of proper nondeliberative responses. Subliminal advertisements or some strategic product placements are likely to disable rational reflection and autonomous decision making. Improper nondeliberative responses on the other hand do not necessarily infringe upon autonomy. Creating spurious associations between a product and very attractive features, or manufacturing pleasant experiences are common marketing techniques that can effectively steer choice – but reasonable people can still reflect on what is happening. Even though I might improperly associate Coca-Cola with world peace, or desire a product because there are attractive young people in the commercial, I can still assess these inputs next to the product information (facts), or taste (proper inputs) and make my own choices. Yet the more a practice undermines our reflective capacities, the more it is to be considered morally wrong.

We started from the assumption that ordinary morality – notably the principles of non-maleficence and respect for autonomy – imposes restrictions on what can count as morally permissible corporate behaviour in the food industry. Due to the specific nature of the market context, such restrictions will be most obvious where the principles work in tandem, that is, where there is no ground for business to justify the sale of potentially harmful products by appeal to the *volenti* principle (i.e. arguing that consumers voluntarily choose the products they buy). Unsafe products should not be marketed at all, which is (generally) governed by food law. In the case of unhealthy foods we have argued that it is morally impermissible to use manipulative strategies in contexts where consumers will not expect them at all, or where the strategies subvert reflective capacities to a high degree.

V. A special case: marketing unhealthy food and beverages to children

Marketing to children is common practice in the food and beverage industry. From colourful food and packaging designs to advertisements featuring fun fictional characters and gamification, the range of marketing techniques is diverse and multi-faceted. And, it works: not only do advertisements and branding successfully influence children's beliefs and preferences about food and drinks, they also successfully affect parental purchasing (Cairns, Angus, Hastings, & Caraher, 2013; Henry & Borzekowski, 2011). Several scholars have highlighted these practices as irresponsible. What is held to be most problematic is the fact that food marketing aimed at children frequently promotes products that have a low nutritional value and are high in salt, sugar and fat. Over the past fifteen years the promotion of unhealthy products has rapidly increased compared to the promotion of healthy products (Dixon et al., 2017). Marketers tend to acknowledge that these practices are criticized for these effects, but in practice they show little willingness to refrain from engaging in child marketing (Adams, 2007; Bergadaà, 2007). Yet, the principles of ordinary morality give little reason to hold these practices to be morally permissible.

We established in the previous section that (mild) manipulation of consumers can only take place when they are aware of the fact that they might be steered towards a particular direction or manipulated into making specific choices. Bearing this in mind, marketing to children provides a curious case. It is generally assumed that while children from a young age on are able to engage in goal-directed behaviour and have specific preferences, they only gradually develop the competence and capacities for reflective decision making (Matthews & Mullin, 2015). As such children do not have the capacity to identify, expect or reflect upon manipulation in sales and marketing.

While this limited autonomy of children is clearly recognized in legal and medical debates (cf. Beauchamp & Childress, 2009), these considerations do not firmly hold sway in contemporary marketing practices. Marketing to children by now has a long tradition, not only in the sales of child specific products (toys, games) but also in the sales of food and beverage products. From a purely economic perspective it makes sense for firms to market to children: children can both be current customers as well as potential future consumers. However, taking the notion of consumer sovereignty seriously means acknowledging that children do not yet qualify as autonomous decision makers, as they do not have the reflective capacities to deal with all the tempting offers market players provide them with.

Children are not yet able to (fully) discern and understand the consciously mediated persuasive information in marketing, let alone be able to identify the persuasive intent behind more covert marketing practices such as product placement in blogs and movies or gamification (this is already hard for many adult consumers) (Nairn & Fine, 2008; Rozendaal, Lapierre, Reijmersdal, & Buijzen, 2011).

As a result they are easily being steered through the non-reflective behavioural responses triggered by corporate actors. It is for this reason that marketing of unhealthy products to (young) children can be seen as immoral and irresponsible. Not, for that matter, because their autonomy is not respected – after all it is questionable what it means to respect a child's autonomy if it is not considered sufficiently capable to make autonomous decisions at all. Yet for that reason, the *volenti* principle is not applicable either. Marketing unhealthy products can thus be considered as a case of harm that cannot be neutralised by appeal to the *volenti* principle.

There are two clear counterarguments to our objection to marketing to children. The first holds that while children are not yet autonomous, marketing can enable children to become full-fledged autonomous consumers. For instance Bergadaà points out that negative effects of marketing should not be tackled by “banning advertising targeted at young children. The ultimate aim is to ensure that our youth become enlightened consumers [...] it is the practice of consumerism that exposes children to the necessary socialization process for them to develop into aware adults.” (Bergadaà, 2007, p. 1). This implies that only by being confronted by child marketing children can learn how to become responsible consumers. However, this argument is flawed. While there might be reasons to argue that children living in a capitalist economic system should learn how to become critical consumers when they are adults, it seems questionable that in order to learn this, child marketing is important or necessary. Especially in the case of food and beverages there comes a moment that children simply are confronted with marketing of general food products. Marketing is so permeated in contemporary business practice, that we actually do not need child-focussed food products in order for them to learn about marketing practices. Simply by visiting a store, walking to school or by surfing online they are very likely to encounter Coca-Cola's Happiness campaign or Mondelēz's new Oreo advertisement. Even when one would hold that youth should learn to become sovereign consumers, they can do this through the encounters they will have with marketing of regular food and beverage products.

A second argument that could be made is that in most households children are not the primary shoppers. It are the parents who ultimately decide whether certain products are bought or not – and they will normally be capable to resist the slightly manipulative forms of child marketing. This is only partially true. Older children and teenagers will frequently buy their own lunches at school. Here they are being influenced by specific marketing, despite them not being sufficiently autonomous decision makers (cf. Nestle, 2015). Yet even where parents make the decisions, child marketing is still problematic due to the *nag-effect* or so called *pester-power*. Children tend to start ask parents for the products that have been marketed to them, thereby pushing their parents to buy these specific products for them (Dixon et al., 2017; Henry & Borzekowski, 2011). Such marketing techniques are

not so much a problem because they would disrespect the autonomy of children or parents, but one can argue that deliberately marketing products towards children to make them influence their parents, involves using the children just as a means for corporate ends, which is a failure to respect the dignity of children. The notion of human dignity is a fundamental presupposition that precedes our consideration of respect for autonomy. It is generally assumed that human beings – adults and children – have moral status and as such deserve to be treated with respect, and are to be treated as end in themselves and not merely as means (cf. Düwell, 2011; Warren, 1997). The practice of marketing unhealthy food to children violates this rule, as children are used as a tool to push parents to consume. Rather, parents should have a space in which they can educate their children to let them learn how to become autonomous actors, and this space should not be interfered with for commercial reasons (cf. Paine, Brenkert, Weisskoff, & Kimmel, 1984)

Taking the above into account we argue that marketing unhealthy food to children and teenagers is problematic for both reasons of harm and dignity. As children do not have sufficient capacity for reflecting upon marketing, marketing unhealthy products to them subjects them health harms and risks they could not perceive, expect or consent to. Furthermore, steering them to either consume or pushing to their parents to consume fails respect their dignity. For those reasons we argue that marketing of unhealthy food and beverages to children and youth is immoral and irresponsible.

VI. Irresponsible sales and marketing of unhealthy food

At the start of this article we set out to find under what conditions the sales and marketing of unhealthy food products can be seen as irresponsible. Following our analysis in the previous sections we can identify three conditions that determine whether marketing and sales of unhealthy food products are morally wrong:

1. the degree to which consumers are expecting to be manipulated;
2. the degree of manipulateness of a product, design or marketing technique;
3. the degree to which a food or beverage product is harmful to health.

The first two conditions flow from our discussions of autonomy and the *volenti* principle, while the third is directly based on non-maleficence. Just like the first two conditions, the third can differ in degree: when you are unduly steered towards consuming a single ice cone, this would be less problematic than when you are manipulated into eating a 20,000 calorie burger at the Heart Attack Grill⁴.

Despite all three conditions being on a sliding scale there are specific thresholds that should be met. Sales and marketing of harmful food products cannot take place, when: 1) it is aimed at actors who lack the capacity for reflection;

2) actions are highly manipulative; and 3) when products are legally deemed unsafe. This implies that the marketing of unhealthy food to children is a clear moral wrong, while marketing unhealthy products to adults might be permissible as long as the product is not unsafe, actions are not highly manipulative and consumers are made aware of the possibility of manipulation⁵.

This has clear and arguably far reaching implications for corporate practice. If food firms want to adhere to these minimal moral standards and engage in responsible behaviour, various (radical) changes should be made to current business practice. In the next section we conclude the article and briefly discuss the practical implications of our findings.

VII. Discussion and conclusion

Adhering to the principles of ordinary morality theoretically broadens our notion of corporate (ir)responsibility in the food and beverage industry and it has clear implications for corporate practice. Living up the principles of respect for consumer autonomy and non-maleficence necessitates change in how firms operate within the market as well as in society at large.

Towards responsible behaviour in the food market

With regard to interaction within the market our findings in the first place have serious consequences for how these firms are to deal with children and teens. When firms market to children they use them as a tool for corporate gain, rather than as an end in themselves. The fact that many food products that are marketed to children are unhealthy food products, makes that the principle of non-maleficence is also infringed upon.

In order to act responsibly companies should refrain from marketing unhealthy food products to children below the age of 12. This means that current practices such as promotion of products through character-branding, advergames, commercials during TV-programs for children should be off the table. This by extension also implies that companies should rethink setting out marketing campaigns for their unhealthy products for adults from public spaces or institutions where there are a lot of children. Day cares, primary schools and sport associations would be credible candidates where such marketing would be off limits.

Secondly, it also requires firms to be sensible in marketing to teenagers. As their capacity for decision-making is more developed, the objection on grounds of autonomy is not as straight-forward as is the case with marketing to young children. Nevertheless, the fact these groups are still less able to engage in critical reflection, firms should clearly weigh what the negative impact of selling specific product to teenagers might be. It could for instance mean that firms still decide not to market or even sell certain products to adolescents. A practical example of this would be the

decision of supermarkets to stop selling energy drinks to teenagers, because of the negative health effects (Kindelan, 2018; Pieters, 2018)

Our findings also impact how unhealthy food products are to be sold and marketed to adults. We have shown that impairing the information circumstances is morally dubious and that manipulation is only permissible under specific conditions. This provides the basis for several recommendations for corporate practice.

First and foremost firms should refrain from making health claims that are false. One cannot claim or suggest a product has certain healthy properties while this is not the case, like for instance Kellogg's did when claiming that their Rice Krispies were enhancing the immune system (Young, 2010). In addition, firms can no longer keep people in the dark about what is in their products. They ought to make clear what the consequences of continued consumption can be when such knowledge is not publicly available.

Second, firms have to closely monitor whether an advertisement or product design might be deceptive. They should refrain from providing information in such a way that it is likely to cause faulty beliefs about the product. This for instance holds for products labels or commercials that suggest that a particular kind of ingredient is the main component (e.g. fruit, wholegrains etc.) while this is only a fraction of the entire product. So rather than putting a strawberry on the packaging when the product itself contains only 1% strawberry, it would be more truthful to add the line 'with strawberry flavour', doing more justice to actual content of the product - and reducing the odds of the consumer construing false beliefs.

While the above two elements are also clear candidates for governmental regulation, our final recommendation focusses directly on the firm, as we hold that in marketing to adults firms ought to operate in a prudent manner. Given that not all adult consumers are alike and equally capable of the assessing corporate manipulation, the most responsible thing to do would be to resist from engaging in manipulative behaviour in the first place. This especially holds when there are also other actions available that trigger the consumer's deliberative capacities and/or his proper nondeliberative responses. Should firms decide to engage in manipulation they should at the very least stay clear of highly manipulative tactics and make the consumer aware of the fact that they can be steered towards certain consumption patterns, both through the product, as well as by the consumption environment.

Rethinking the food industry's involvement in politics and scientific research

Having addressed several issues in the market, important questions still remain on the (im)permissibility of activities of food firms that take place outside the sphere of the market. The food industry is often scrutinized for its impact on politics and scientific research, such as lobbying against public health regulation or disputing scientific consensus on the impact of unhealthy food (Bateman-House et al., 2017;

Bødker et al., 2015; Kurzer & Cooper, 2013; Oreskes & Conway, 2010; Tselengidis & Östergren, 2019).

Whether these activities are irresponsible are up for debate, as there is no consensus on the role corporations allowed to play in politics or in the pursuit of science (cf. Claassen & Gerbrandy, 2018; Hussain & Moriarty, 2018; Tempels, Blok, et al., 2017; Wettstein & Baur, 2016). If we want a full and inclusive answer to the question what kind of behaviour of food firms in regard to public health is morally (un)acceptable, the food industry's impact on politics and scientific research should be assessed.

The notion of ordinary morality could well be a relevant starting point for such a reflection. If firms have the responsibility to respect people's autonomy both in their capacity as consumer, as well as in their capacity as citizens, this means that interfering with processes that enable people to deliberate and determine the collective ends of their society could be seen as violating citizen autonomy (cf. Groen-Reijman, 2018; Held, 2006). Hence when food corporations engage in behaviour that obscures facts about healthy consumption and even try to sow doubt about scientific consensus, this has a negative impact on the way in which citizens are able to deliberate about public policies, and in turn has detrimental effects for public health.

It goes beyond the scope of this particular article to discuss this in detail. Whether this behaviour is morally wrong and what the boundaries of political and social activities in the food industry could be, deserve to be addressed in future research.

Concluding remarks

At the start of this article we set out to discuss what corporate irresponsibility in the food industry with regard to public health could entail, and we wondered specifically what could be the moral challenges in the sales and marketing of unhealthy products. We have argued that basic principles from ordinary morality, namely non-maleficence and respect for autonomy, provide moral guidance in how food firms ought to behave, both within the market as well as in society at large.

Our subsequent analysis revealed that there are clear moral minimums firms need to adhere to when producing, marketing and selling unhealthy products. The food and beverage industry is to refrain from marketing unhealthy food products to children and should reconsider marketing unhealthy products to adults. They are to take into account a) the manipulateness of their marketing techniques, b) the degree to which consumers are able to identify possible manipulation and c) the possible negative impact (over)consumption of their product will have on public health. Not taking into account these basic conditions results in actions that are morally wrong and irresponsible.

Our approach provides a basis for identifying what the food industry should no longer do in the sales of unhealthy products, shows what kind of behaviour would be more prudent, and points out that major changes in the industry are necessary. Only by adhering to ordinary morality can firms in the food and beverage industry move towards responsible behaviour, and contribute to a society in which freedom and well-being are respected.

Notes

1. We focus in this article on companies and firms that produce and sell food and beverage products. We use the terms *food and beverage industry*, *food industry* and *beverage industry* interchangeably.
2. Marketers often start from a different perspective on mankind and buyer behaviour, which is one that not neatly fits with the perspective of the homo economicus. For instance Freudian motivation theory or Veblenian theory assert that people are also motivated by subconscious desires (freedom, sex) or by the need to conform to larger cultural group norms (Mason, 1984; Pincus, 2004). We assert that while such considerations feed into the decision making process of people and affect the way consumers make decisions, people should be able to – at least partly – reflect on these desires and needs, weighing them in their decision to engage in specific behaviour (Crisp, 1987).
3. The duty to provide information has its limits within the context of the market (cf. Hasnas, 2009). Firms do not have to provide information on the exact production costs, but they have the responsibility to provide all relevant product information, for instance information that is not publicly available such as information on the nutritional make-up of a product or the negative effects this has on health. In order to engage in honest dealing firms should aim to make sure this information reaches the consumer. In interfirm interaction on the other hand withholding information can be permissible, or even necessary as it can be crucial for the survival of firms to gain or maintain a competitive advantage. The duty to provide information seems to shift depending on whether one is dealing with consumers or other firms. This creates a paradox as firms on the one hand have to provide information, while at the same time have to keep it to themselves in order to survive in the market. For a more elaborate discussion on this information paradox see Blok (2018).
4. What exactly counts as more or less unhealthy products and ingredients is not something we as philosophers aim to discuss in this paper. This is something that should be assessed by food scientists (Lobstein & Davies, 2009).

5. Whether it permissible or even laudable to nudge children and adults towards a *healthy choice* remains a topic of discussion. Following Sunstein (2016) we hold that such manipulation might be permissible on the grounds of welfare, but this requires further elaboration which goes beyond the scope of this article. For a more elaborate discussion see Bovens (2009), Conly (2012), Grüne-Yanoff (2012) and Hausman and Welch (2010).

CHAPTER 5

Injustice in food-related
public health problems:
a matter of corporate
responsibility

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Chapter 5 Injustice in food-related public health problems: a matter of corporate responsibility

I. Introduction

In the public health debate, the food and beverage industry¹ is often portrayed as one of the main causes of noncommunicable diseases (NCDs) such as obesity and type 2 diabetes. Authors critical of contemporary global food systems point out that this industry, through its products, marketing, and lobbying practices, sustains and furthers the prevalence and severity of NCDs. They argue that in order to halt these developments and ensure citizens have access to adequate diets, governments should curb the impact the industry has on food-related public health issues² by means of additional regulation (Moss, 2013; Nestle, 2015; Stuckler & Nestle, 2012).

Although the industry plays an important part in the constitution of public health problems, the central claim of those critical of the food and beverage industry – that businesses are the main culprits in the rise of obesity and type 2 diabetes – disregards the complexity of consumption-related harms. There are many social determinants and societal actors that shape and influence public health problems: people's genetic makeup, the food choices of consumers, and social and cultural eating norms, as well as (the absence of) governmental regulation, all contribute to the rise of these diseases. Still, this does not mean that firms can be excused from responsibility for food-related public health problems, and that responsibility for public health should be understood as a mere personal or governmental responsibility (cf. Epstein 2004).

The question of corporate responsibility for such mediated harms is something that is being actively discussed in the field of business ethics (Arnold, 2013; Bowie, 1999; Freeman, 2002; Friedman, 2009). Often, however, these discussions focus on the kind of behavior food firms should *not* engage in (e.g. the sale of unsafe products, deception and manipulation of consumers to eat unhealthy, or the lobby against public health regulation, yet relatively little is said on the possible positive responsibilities food firms could have for public health (Nestle, 2013, 2015; Tempels, Verweij, et al., 2017).

In this article we argue that aside from negative moral responsibilities like not doing harm and respecting consumer autonomy, the food industry also has a responsibility for addressing the structural injustices involved in global food-related health problems (cf. Arnold 2013). We add to the debate on corporate responsibility by exploring what positive responsibilities food and beverage firms could have for addressing these kinds of problems, while also assessing what taking this responsibility could entail in corporate practice (cf. Brenkert 1998; Schrempf 2014).

We first discuss how corporate responsibility for consumption-related harms are frequently understood in debates on business ethics. While liability and

governmental approaches to public health are viable when assessing what actions of food firms are morally and legally wrong, we hold that these approaches do not take into account how firms play a part in the construction of structural injustices in food-related health problems. Drawing on the work of Iris Marion Young, we argue that dealing with structural injustices necessitates a forward-looking guiltless responsibility that flows from what she calls a *social connection model of responsibility* (Young, 2011). On the basis of this approach, responsibility for the structural injustices in food-related health problems can be conceived as a shared responsibility between a plurality of connected actors. We show how actors in the food industry are connected to this problem and why this implies a responsibility to address these injustices.

We subsequently discuss what discharging this responsibility could mean in corporate practice. Although Young's theory is helpful in understanding structural injustices, her theory provides limited guidance on what taking this responsibility involves in practice. Simply stating that all actors have a shared responsibility will not help to mitigate structural injustice, for if all are responsible, then none are likely to feel accountable. Actors might leave other actors to take responsibility and shirk their own responsibilities. To see how responsibility for food-related public health issues might be attributed to different corporate actors, we propose additional normative criteria for assigning responsibility following Miller (2001, 2012) and Owen (2013).

By showing that public health problems feature structural injustices, this article creates room for a more inclusive approach to alleviating food-related public health issues. By the virtue of being connected to structural health injustices, food firms have a shared responsibility to prevent and mitigate food-related public health issues. The degree of corporate responsibility attributed is context dependent: it matters what kind of consumer groups the industry is dealing with, what capacity the company has, and what benefits it derives from structural injustices. Although companies can do many things to take responsibility for public health (develop new, healthier products, lobby for stricter regulation), given that structural injustices predominantly concern the most vulnerable groups in society and the means of firms will necessary be limited compared to the demands of responsibility, prioritization is needed. This implies that we can, for instance, expect companies to develop new, more healthful products that low-income consumers are likely to purchase, use behavioral nudging in supermarkets to steer people toward healthier choices, give coupons for healthy food to people receiving public support, and sponsor athletic activities in vulnerable neighborhoods.

The article is organized as follows: in section 2, we briefly sketch how corporate responsibility for health in the food industry can be understood, and how this misses out on the injustices involved in food-related public health issues. In section 3, Iris Marion Young's conception of structural injustice is discussed to show

that food-related public health issues can be understood as structural injustices and it is made clear how the industry is connected to this (Young 2001, 2011; McKeown, 2014). In section 4 we briefly set out the social connection model of responsibility and discuss why connection to structural injustice implies a responsibility to address these injustices. In addition, we introduce criteria for assigning corporate responsibility for food-related public health issues, which help to illustrate what kind of actions this could imply for different actors in the food industry (Butt, 2007; Miller, 2012). The theoretical and practical implications of corporate responsibility for structural injustices are set out in section 5 and we conclude the article in section 6 by briefly discussing the key contributions of our approach to the fields of business ethics and public health ethics.

II. On corporate responsibility and public health problems

Taking action for public health issues has long been perceived as a traditional governmental responsibility. Programs that aimed to protect and promote the health of the population, like sanitation programs, pollution control, and vaccination, have generally been conceived as a public policy issue on which different types of governmental organizations would take action (Childress et al., 2002; Gostin, 2008; Rothstein, 2002). Over the years, the focus on governmental responsibility has become contested in the wake of the increase in so-called lifestyle-related health problems like obesity, type 2 diabetes, and cardiac diseases. The fact that these diseases are closely related to individual behavior and consumption leads to the question of whether the effects of these health-damaging practices should be understood as a personal responsibility rather than as a governmental responsibility. While libertarian scholars and politicians stress people's personal responsibility for health deficiencies that are due to unhealthy nutrition, public health scholars point out how social conditions influence these choices and how the food and beverage industry is creating an obesogenic environment and is contributing to these diseases (Brownell & Warner, 2009; Nestle, 2013).

Large players in the food industry are being criticized for both their business activities (development and marketing of unhealthy products, deceptive marketing) and their political activities (lobbying against public health regulations, pushing additional agricultural subsidies) which impact public health (cf. Dorfman et al., 2012; Fields, 2004; Franck, Grandi, & Eisenberg, 2013; Nestle, 2015; Shelley et al., 2014; Smith, 2012; Walters, 2015). Some public health professionals even refer to obesity and type 2 diabetes as *industrial epidemics* that are "emerging from the commercialization of potentially health damaging products" (Gilmore et al., 2011, p. 2). A majority of public health scholars therefore argue that the negative impact of 'Big Food' should be curbed through governmental regulation of the industry, for instance through laws regulating lobbying and marketing, implementing product

bans, and increasing taxes on unhealthy food products (Gilmore et al., 2011; Nestle, 2015; Stuckler et al., 2012; Yoon & Lam, 2013).

Why public health is not just a governmental responsibility

Although we agree that there is ample need for the government to regulate the food industry, there are empirical, pragmatic, and normative reasons to at least consider the possibility of what corporate responsibility for public health might entail. First of all, several businesses are already engaging in activities that can contribute to public health. Although one might argue that these efforts are poorly motivated or insufficient (Elliott, 2015; Stuckler et al., 2012), we should not turn a blind eye to the positive developments that are taking place. An increasing number of companies are developing healthier food products (products that contain less salt, sugar, and fat), voluntarily applying front-of-pack nutrition labels (such as the traffic light food label in the UK), participating in (public-) private partnerships that seek to stimulate healthier behavior (for instance aimed at sponsoring sport events or improving education about nutrition). The potentially positive impact of these efforts should not be overlooked (Tempels, Verweij, et al., 2017)

Second, a focus on governmental action regarding public health fails to take into account the practical complexity of noncommunicable diseases. These diseases are embedded in social contexts that are influenced by many different determinants and actors, which governments cannot address on their own. While governmental intervention regarding public health (education, regulation) is crucial for reducing food-related health problems, it is unlikely to be the magic bullet required for dealing with these problems, as governments can be unable or unwilling to address these problems. Even when they do intervene, the public health gains remain limited. Ng et al. (2014) report that “not only is obesity increasing, but no national success stories have been reported in the past 33 years” (Ng et al., 2014, p. 766) and argue that coordinated action is crucial to reverse this trend. For that reason, some health ethicists suggest a pragmatic position – that responsibility for public health should not be seen as solely a governmental responsibility but as a collective action that is needed to promote and protect the health of the population and that also involves businesses (Verweij, 2014; Verweij & Dawson, 2009).

Finally, having corporate social responsibility (CSR) programs for public health makes sense if we tie this in with the normative debate in business ethics on *corporate social responsibility*. The debate suggests that corporate actors have societal and environmental responsibilities in addition to their traditional economic responsibilities. In practice this can even entail doing those tasks that had traditionally been conceived to be classic governmental responsibilities, like managing environmental governance or addressing public health issues (Heikkurinen & Mäkinen, 2016; Scherer et al., 2016; Tempels, Blok, et al., 2017). Yet,

the question of course is what this responsibility consists of, and what it would entail within the context of the food and beverage industry in regard to public health.

Ordinary morality and corporate (ir)responsibility

Whether there are corporate responsibilities for individual and collective harms caused by firms, and what the scope of these kinds of responsibilities is at the heart of the debate in business ethics. According Hsieh (2017) firms should adhere to the principles of ordinary morality. This means that firms in both market and non-market activities should live up to the principle of non-maleficence and that of respect for autonomy and that companies can be morally blameworthy at the moment they fail to live up those principles. This can refer both to moral wrongs, for instance when a firm knowingly and willingly harms a consumer, as well as to moral negligence such as when a firm is expected to inform a consumer about the relevant properties of a product, but fails to do so (Ebejer & Morden, 1988; Hasnas, 2009; Sher, 2011).

In discussions on corporate irresponsibility in sales and marketing in the food and beverage industry these principles of ordinary morality frequently return as key moral rules that firms need to live up to in their daily practices. While public health ethicists like Barnhill et al. (2014) put forth that there is no a-priori wrong in selling unhealthy food products, there are certain moral standards firms need to adhere to when producing, marketing and selling these products (cf. Barnhill, 2016; Barnhill et al., 2014; Sunstein, 2016). From this, it follows for instance that firms are to refrain from marketing unhealthy products to children and that there are reasons to reconsider the way such products are promoted to adults. Not living up to these rules to not cause harm and respect consumer autonomy can be understood as irresponsible and morally blameworthy behavior (see chapter 4).

Governmental standard-setting and legal responsibilities

In a well-ordered society several of these minimal moral rules that flow from ordinary morality are formalized in legal rules. Many governments set standards and provide rules that structure the market and regulate corporate behavior. As such, for the food and beverage industry there are for instance safety standards for food products, laws that ban the sales of certain products, and rules limit certain manipulative marketing practices (cf. Buzby & Frenzen, 1999).

Within the legal framework the concepts of fault, negligence and strict liability are key (Honoré, 1999). When a company violates these legal rules it is at *fault*, it can held legally accountable. A food firm is for instance liable when it knowingly and willingly puts products on the market that do not meet safety standards, or when it intentionally misinforms consumers.

But even in absence of harmful intent firms can be held accountable for harms that occur because of legal *negligence*. As Hart (2008) points out, people can

be held legally responsible for things they explicitly did not do, for things they did by accident, and for actions of other people. An actor can be held responsible not because she intentionally created a specific situation involving harm, but because she failed to act while there was a clear expectation that she should have done so (for instance a lifeguard failing to rescue a swimmer in distress) (Hart, 2008). A food company can for instance be considered *negligent* if – albeit unintentionally – certain food safety standards are not met, or governmental marketing guidelines are not followed, while there was an obligation to do so.

Lastly there is the case of *strict liability*. In this case an actor is held accountable for an outcome on the ground that it played a causal role in bring about a certain situation, irrespective of legal fault (Couto, 2018). In tort law, actors can be held accountable for the actions of other actors or objects, for example I can be liable when my dog, which I thought was properly tied up, manages to escape my well-fenced garden and ravages my neighbor's garden, or when people or objects get damaged when I'm using explosives to clear away rocks (Honoré, 2010). In consumption-related harms firms might be held strictly liable when a person was harmed due to the use or consumption of a product (Piker, 1998). Whether strict liability can also be successfully applied in the context of health harms caused by the consumption of unhealthy food products is up for debate⁴ (Adams, 2005; Wicker, 2015).

A corporate responsibility to prevent and mitigate public health harms?

The above overview makes clear that food firms have various moral and legal responsibilities for public health. Firms have a legal responsibility to comply with food laws and governmental standard setting, and not produce and sell products that are unsafe, while simultaneously having the moral responsibility to strive not to harm their consumers (for instance by selling unsafe foods³) or by disrespecting consumer autonomy (for example by deceiving consumers into eating unhealthy products). If firms fail to adhere to these legal rules or live up to these basic principles of morality, they can be legitimately blamed or held (strictly) liable.

Even though there are clear corporate responsibilities in regard to health harms, this remains a rather minimalist approach to corporate responsibility. It stipulates what firms should not do, but tells us little about what kind of positive actions might be required to prevent the local, national and global public health issues.

Now, some libertarian scholars might argue this is not a problem, or at least not a problem food firms should be concerned with (cf. Epstein, 2004; Hasnas, 2009; Palmer & Hedberg, 2013). When corporate actors account for their legal obligations and respect ordinary morality then this is where the buck stops when it comes to corporate responsibility for health. In a free market, competition, supply, and demand are central. If there is a great demand for tasty food products among

consumers, food-producing businesses should provide such products, and consumers should be free to decide what they want to eat or drink (cf. Hasnas, 2009). If the product tastes so good that it entices the consumer to continue eating, it is questionable whether this is something the company should be blamed or held accountable for; instead, it seems to be doing exactly what the market expects it to do. Ultimately, the responsibility for eating specific unhealthy products lies with the consumer herself. Bearing this in mind it is problematic to hold a law-abiding candy store or fast-food chain responsible for taking action to prevent heart problems of their returning customers.

This kind of reasoning also returns in legal suits against the food industry in regard to health harms, for instance in the well-known case of *Pelman vs. McDonalds* in the United States (Adams, 2005). In this case, Ashley Pelman and Jazlyn Bradley, who suffered from obesity and weight-related health complications, argued that their heavily fast-food-based diet contributed to their dire health situation and that McDonald's should bear responsibility for this. The court however held that it was a well-known fact that fast-food products contained high levels of salt, sugar, and fat and that consumption of large quantities of these ingredients could have detrimental health effects. It went on to say that provided that consumers were sufficiently knowledgeable or were able to obtain the relevant knowledge, they could freely exercise their choice, and hence the producers should not be held liable (Adams, 2005; Wicker, 2015). Hence, if firms meet the legal standards for selling unhealthy products and respect consumer autonomy, then the possible negative results of unhealthy consumption cannot be the responsibility of the firm. In those cases it is the consumer who willingly and knowingly chooses to consume unhealthy, as such the consequences for this are also her responsibility (cf. Epstein, 2004).

Yet, we hold such a liberal interpretation of corporate responsibility to be limited, as it misses out on how social processes structure and constrain people's lives and how this can lead to harms. In her work on responsibility for justice political philosopher Iris Marion Young put forth that these social processes can lead to injustices, and that – even though this is the result of a combination of societal processes and of different actors operating together – we should consider what responsibilities actors have for addressing these injustices (Young, 2001; 2004; 2011).

While Young's work does not focus on public health or corporate responsibility in particular, we think her idea of structural injustice is helpful in rethinking the food industry's responsibility for the global obesity epidemic and other food-related public health issues. Young's notions of social processes and structure are relevant in understanding the possible injustices in the spread of non-communicable diseases, as social structures constrain people's abilities to make healthier choices or live healthier lives (Haverkamp, Verweij, & Stronks, 2018; Mackenbach et al., 2016; Stronks, Mheen, Looman, & Mackenbach, 1996). Laying

bare the structural injustices involved in the spread of NCDs, in turn allows us to assess how the food and beverage industry is connected to this and how this might ground a more positive corporate responsibility address these injustices.

In the next section we will set out why food-related health harms involve structural injustices and how corporate actors in the food and beverage industry are connected to this.

III. Structural injustice, health deprivation and the role of the food industry

On the basis of Young's work on social processes and structural injustice (2001; 2011) we illustrate how social structures shape and constrain lives of people and show how the (increasingly) unequal distribution of food-related public health harms can be conceived as *structural injustices*. This creates room to think about which groups are facing these injustices and, subsequently, how the food industry is connected to this. To start this reflection it is necessary to explain how Young understands *structure* and *structural injustice* before making the connection to food-related public health issues and the food industry.

Young on social structures, structural inequality, and structural injustice

Young uses the notion of *social structures* to discuss the institutional background that shapes individuals' abilities to act and express themselves but over which they have little control. She understands social structures as the relation of basic social positions and processes that "fundamentally condition the opportunities and life prospects of the persons located in those positions" (Young, 2001, p. 14). This conditioning – which creates opportunities and constraints – takes place because actions and interactions in one situation that condition people in position X reinforce the rules and resources available for the different (inter)actions of people in positions Y and Z. The unintended consequences of this multitude of interactions often create more opportunities and constraints and also reinforce them, shaping the habits and expectations of actors as well as partly shaping the physical conditions needed for future actions (Young, 2001).

Young gives the example of unskilled female workers in Southeast Asia who move from the countryside to the city and who stand in a specific structural relation to the small entrepreneurs who employ them in the garment industry. These entrepreneurs are in turn structurally positioned in relation to large multinationals and exporting firms. These different structured positions offer dissimilar and unequal opportunities to the actors who hold these positions (Young, 2011).

Structural inequalities arise when certain groups of people are (relatively) constrained in their freedom and material well-being as the result of the possibilities available within their social positions; they can be compared with other groups of people who – given their social position – have more options available and/or have

easier access to certain benefits (Young, 2001, p. 15). This does not mean that this constraint fully determines the life plans of individuals or their possibility of gaining access to certain benefits. Some relatively constrained people are lucky, and some manage to overcome these constraints through hard work. However, less constrained people can be struck by bad luck or squander their bright future by making foolish decisions. Yet, Young argues, even if those more constrained people are able to overcome various material and cultural obstacles, they cannot be considered equal to those who faced fewer hurdles. These structural inequalities become *structural injustices* when

“the combined operations of actions in institutions put large categories of persons under a systemic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as they enable others to dominate or give them access to an abundance of resources. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the willfully repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting in pursuit of their particular goals and interests within given institutional rules and accepted norms.” (Young, 2007, p. 170)

These processes can be seen as structural injustices when people are constrained to such an extent that they are put under a threat of deprivation while other actors derive significant advantages from these processes. These advantages can be understood, for instance, as a better socioeconomic position that brings with it more options and opportunities for action, as well as concrete benefits in the form of financial gain or access to resources (Young, 2011).

This conception of structure and structural injustice can help us better understand how food-related health problems could constitute structural injustices, while also allowing us to think about how the industry is connected to this.

Vulnerability to health deprivation as a structural injustice

These social constraints also come into play in the context of food-related health issues. Although the health situation of individuals might appear to be the sole result of preferences, personal decisions, or accidents, if we zoom out and consider the relations between these various individuals and other actors in society, a ‘net’ of both restricting and reinforcing relationships is revealed (cf. Young, 2011). To illustrate this, let us first consider the hypothetical cases of Andrew, Brenda, and Catherine. These individual cases are not about inequalities per se, but rather help us to think about how different people are living under different social circumstances and processes that can affect their health differently compared with other groups.

Case 1: Andrew

Andrew is an eighteen-year-old community college student who lives in New Orleans. His combined family income is below the national poverty line. In order to support his family, Andrew has taken a part-time job at a fast-food restaurant, where he can eat for \$2 a meal. Due to his long working hours and college obligations, Andrew is unable to exercise often. Given the high prices of both fresh vegetables and healthier products at the local supermarket, he often consumes instant breakfasts and ready-made meals. Andrew weighs over 300 pounds; he suffers from diabetes and has trouble walking long distances.

Case 2: Brenda

Brenda is a fifty-two-year-old gastronomic journalist from Amsterdam. She has master's degrees in nutritional science and journalism and works at a leading food magazine. Her job allows her to rent a spacious apartment in the upper-class part of the city. Brenda can eat what and whenever she likes. She has every opportunity to exercise, but cares little about sports. At her yearly health checkup her physician informs her that her health situation is dire: her BMI is over 32, she has high levels of cholesterol and equally high blood pressure, and she is suffering from angina pectoris.

Case 3: Catherine

Catherine is thirty-two years old and lives with her partner and two sons in Stellenbosch, South Africa. Both Catherine and her partner work in education and have an average income. During her youth Catherine was overweight and had little interests in sport, and her parents cared little about a balanced diet. Nowadays, she frequently exercises and enjoys cooking healthy meals. While her family cannot afford to always buy products that are low in salt, sugar, and fat, she tries to bear in mind the nutritional value of the products she buys. Catherine has no noteworthy health problems.

How personal choice is constrained by structure

In the three cases above it is possible to highlight various elements of personal responsibility for health. Catherine seems to be the ideal responsible, healthy consumer. She is aware of the (un)healthy choices she is making, and even though she does not always have enough money to spend on healthy food or sports, she tries to make the best of it and her choices seem to pay off. In the cases of Andrew and Brenda, individual choices also play a part. Andrew could have gone running or cycling – which are relatively low-cost ways to exercise – or he could have refrained from eating at his workplace, while Brenda could have gone to the gym and could have chosen to cook healthier food or eaten at Amsterdam's many healthy food restaurants. Hence, given that decisions to eat healthily and exercise ultimately

depend on a personal choice, it would be possible to argue that Andrew, Brenda, and Catherine are equally responsible for their personal health situation.

Yet such a position ignores the social context in which people make these choices. It fails to take into account how socioeconomic circumstances can have a negative impact on healthy dietary habits and food choices: 1) a lack of financial means restricts the opportunities to buy healthy food or to go to the gym, 2) certain rural and urban areas have limited access to fresh food, 3) specific groups of consumers have insufficient knowledge of dietary guidelines, and 4) unhealthy living habits within specific social groups can make it hard for individuals within these groups to deviate from these practices (Jarvis & Wardle, 1999; Muff et al., 2010).

Although the health differences between the three are partly based on individual preferences and choices (e.g., choosing to eat fast food every day, (dis)liking going for a run) or situations involving luck or accident (e.g., genetic disposition for coronary diseases), these differences are also shaped by the way social institutions operate, what rules and norms are dominant, and how the decisions of other individuals and societal actors affect the lives of the people around them.

Within these social structures, Catherine has been able to make the best of it, making wise decisions and working hard to sustain a healthy lifestyle, while Brenda's health situation – who, given her socioeconomic position, is arguably less constrained – is more attributable to her personal choices and preferences. Although Catherine, Brenda, and Andrew all operate within social structures that enable them to and disable them from engaging in certain actions, in comparison with Brenda and Catherine, Andrew's possibilities for action are more restricted by social processes and circumstances. For instance, they are restricted by government policies (e.g., government subsidizing of unhealthy school lunches), by a market in which many food and beverage companies' main focus is on economic performance – which stimulates ever-increasing food consumption – and by socially cultivated food habits and practices that shape the consumption patterns of specific groups (Airhihenbuwa et al., 1996). This is not to say that the less healthy are not responsible for their choices, but the case of Andrew illustrates that while all actors in the three cases have the capacity to make autonomous choices, his possibilities of making the 'healthier' choice are more *constrained* than those of Brenda or Catherine.

Group level analysis – different degrees of vulnerability to health deprivation

When we zoom out to a higher level of analysis, it is revealed that the examples of Andrew, Brenda, and Catherine do not stand on their own, but exemplify various groups within society. In the light of Young's work, the empirical studies on the social determinants of health (Mackenbach et al., 2016; Stronks et al., 1996) reveal that the health inequalities between socio-economic groups can be understood as structural inequalities. While all groups are in some way constrained by social structural processes, groups of people like Brenda and Catherine are socially

positioned in such a way that it is easier to make healthier choices, and engaging in healthier behavior comes more naturally; for groups of people like Andrew, it is much harder to opt for the healthier choice or mode of behavior.

Hence, for the latter groups it is much harder to argue that their relative health position amounts to getting what they 'deserve' on the basis of their own choices. The combination of policies, individual actions, and institutional organization in the context of unhealthy food makes groups of people like Andrew more vulnerable to health deprivation in comparison with groups of people like Brenda and Catherine. The situation of people like Andrew ultimately amounts to structural injustice. This is not only so because, as they are being put under a permanent threat to health deprivation that makes them less able to exercise their capacities, in comparison with other groups. It is an issue of *structural injustice* because others are in fact better off due to these circumstances: either because they are simply less vulnerable to, for example, the abundance of unhealthy food options, or because, as in the case of food companies, they directly benefit from the possibilities to market and sell such foods.

These considerations allow us to challenge the liberal assumption that food-related public health issues can be seen as lifestyle diseases for which mainly the individual herself is responsible. At the same time, they also show clearly how structural injustice can be understood as a gradual concept, because the degree to which various groups are (made) vulnerable to structural health deprivation differs for each group. This illustrates the point we started this article with, namely that food-related public health problems can be seen as structural injustices. Now that we have established this we can explore how the industry is connected to these problems.

The food and beverage industry's connection to food-related public health issues

The above findings have important implications for the food industry, as they provide grounds to argue that corporate actors are playing an important role in increasing the vulnerability to health deprivation of specific groups in society.

We can make the distinction between more direct ways in which the industry is sustaining and aggravating health disparities and more intricate modes of operation that contribute to structural injustice. Examples of the former are the sales of products that evidently exceed the daily recommended intake of calories, salt, sugar, or fat in a single serving, the marketing of such products to children, and lobbying against public health regulation (Nestle, 2015; Stuckler & Nestle, 2012). By stalling governmental policies that aim to reduce the vulnerability to health deprivation of the population and engaging in business practices that hamper healthy consumption, the industry is contributing to structural health injustices.

Apart from these more explicit morally questionable actions, there are several other business practices that do not seem to be morally problematic on the surface but do impact the vulnerability to health deprivation of those in society who are worse off. For instance, consider the fact that the industry is prone to selling cheap, highly processed food products. Given that consumers like Andrew often experience a lack of control over their lives and have less money to spend, they are less likely to resist buying these products than people like Brenda or Catherine (cf. Marmot & Wilkinson, 1999). Or take into account that in many places in the world there are so-called food deserts, urban areas and neighborhoods in which food stores that offer healthier consumption options are largely absent (Hilmers, Hilmers, & Dave, 2012). These neighborhoods are commonly inhabited by groups of people with a lower socioeconomic status, who often lack the time or the opportunity to travel to a different kind of venue in another neighborhood. Even if they could travel, the healthier option might simply be too expensive. Moreover, dominant marketing practices in the industry disproportionally affect the less well-off consumers. While businesses have marketing tools that allow them to promote particular products to specific groups, they are often hesitant to market healthier products to less well-off consumers as these groups are less likely to buy these products (Chandon & Wansink, 2012; personal communication leading food retailer). Ultimately, these practices sustain social norms and societal processes that contribute to the health deprivation of already marginalized groups in society, and thus contribute to a greater vulnerability to food-related diseases.

Finally, the fact that many people are vulnerable to consuming unhealthy food too often and too much, ultimately benefits the companies that produce and sell those foods. It might be too simple to just hold the food industry responsible for how modern societies have developed into obesogenic environments, but one cannot deny that the industry is benefiting from this.

In this section we have argued that food-related health deprivations should not be reduced to a matter of individual (consumer) choice and responsibility, but that these involve, what Iris Marion Young calls, structural injustices, in which actions and practices of different parties lead to societal circumstances that result in systematic deprivation for some and benefits to others. The food industry is one of several key actors in this, being connected both in terms of its causal contributions to unhealthy practices as well how it benefits from them. How should we evaluate this role from an ethical perspective? What are the implications for *corporate responsibility*?

IV. Social connection to structural injustice: expanding the scope of corporate responsibility for health in the food industry

In her work on responsibility for justice Young (2011) develops a theory of responsibility for dealing with instances of structural injustice. As these injustices

do not come about because of some actor's intentional or unintentional violation of moral or legal rules – but are the result of many individuals, organizations, firms and institutions who are (mostly) acting within accepted rules and norms – Young argues that blame and fault are not the appropriate terms to understand this particular responsibility. She suggests we need a different, guiltless, concept of responsibility to think about what we should do in regard to unjust structures (Young, 2011).

She sets this out in her *social connection model of responsibility* (Young, 2011). The social connection model holds that actors

“bear responsibility for structural injustice because they contribute by their actions to outcomes that produce unjust outcomes. Our responsibility derives from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realise projects.” (Young, 2011, p. 105)

The idea is that actors that operate in (global) unjust political, social, and economic processes have a *shared responsibility* by virtue of participating in these structures. Structural injustices are not caused by a single actor but by a multitude of actors, and as such responsibility does not befall one actor but rather to all actors that are participating in these structures whom are directly and indirectly *connected* to harm and injustice. All connected actors – e.g. governments, consumers, families, schools, NGOs and firms – share a guiltless responsibility to address these harms. Rather than looking back in order to blame specific actors, the social connection approach puts forth the question ‘Who are best placed to address these injustices?’ This allows for a more forward-looking approach to responsibility that puts working toward a solution to these problems at its center (cf. Young 2006, 2011).

We hold this shared responsibility should not be understood as a zero-sum game. It is not the case that if one actor decides to discharge its responsibility, this could absolve other actors from taking their share of responsibility. There is no ‘responsibility pie’ that is to be divided among all connected actors, where if one actor takes a large chunk of the pie, this automatically leaves less responsibility for the remaining actors. So, when for instance the national government launches a new public health program to counter obesity, this does not lower the degree of responsibility of individual consumers or corporate actors, nor does governmental responsibility shrink the moment the industry takes greater responsibility for public health (Verweij, 2014). Ultimately, this responsibility should be understood as a *political responsibility*, for it can only be discharged by engaging in collective action with other connected actors (Young, 2011)

Taking responsibility and addressing injustice in our case focusses on how health deprivations and inequalities among social groups can be prevented and how the situation of those vulnerable to health deprivation can be mitigated and

improved. In the previous section we established how the food industry is connected to the rise of NCDs and corresponding structural injustices, and as such the argument could be made that – following the social connection model of responsibility – actors in the food and beverage industry have a political responsibility to address this (cf. Schrempf, 2014).

While intuitively plausible, we hold that an important theoretical argument is missing, for Young does not clearly substantiate the claim that a connection to structural injustice also implies a responsibility to take action. In her work she briefly touches upon three kinds of connection, namely an *existential connection*, which exists by virtue of belonging together in a social system, a *causal connection*, which entails a mediated causal contribution to structural injustice, and a *dependent connection*, which refers to how our actions are dependent on other actors (McKeown, 2014; Young, 2011)⁵. When looking at the case of the food industry this means that firms have a responsibility to address structural injustices because a) they are part of a social system in which food-related structural injustices exist, b) through their products and business practices are an enabling cause for food-related health injustices, c) and in their actions they depend on other actors (e.g. suppliers, but also vulnerable consumer groups)

However, several scholars point out that the normative relevance of these connections is underspecified. Merely pointing out connection does not provide a full-fledged normative argumentation why this would also entail a political responsibility to address structural injustices (cf. Barry & Ferracioli, 2013; Owen, 2013; Reiman, 2012). So, for our case this means we need to assess what moral principles can substantiate and explain how connection to nutrition-related structural injustices can ground food companies' responsibility to address these injustices.

Apart from the unclear normative force of connection, there is the question of the scope of political responsibility and what taking this responsibility would mean in practice. Young points out that even though having a responsibility because of social connection is a shared responsibility, it is not an equal responsibility. Those who share responsibility should take action but have to decide what is realistic based on their social position in the system, taking into account their particular abilities, circumstances, and (accrued) advantages. While she does touch upon certain parameters to guide our reasoning regarding attributing responsibilities for structural injustices (e.g., power, privilege, interest, and collective ability), these parameters are not clearly defined, nor do they say anything about what this would entail in corporate practice (cf. Neuhäuser 2014; Owen 2013).

Hence, in order to identify what kind of corporate action would be required of food firms to address these injustices, we first need to know what counts as a normative significant connection that would 'generate' a responsibility for structural justice. In the next subsections we expand on Young's theory and clarify how the

social connections at hand imply moral obligations, and what these could mean for the food industry.

Why social connection implies a corporate responsibility to address structural injustices

We have argued that food companies are socially connected to the growing prevalence of non-communicable diseases that are especially dominant under socioeconomically more vulnerable groups. Young claims that such social connections imply a responsibility to respond to structural injustice. In order to answer the question what can be reasonably expected of food companies we first need to explore how their connections to health problems support a moral obligation to address such problems.

A first moral ground arises as we emphasize how people are in fact deprived or at risk of becoming deprived of health. The appropriate response to suffering, for any actor that is interacting, living or operating in a moral community, is *beneficence* – to relieve or prevent suffering. This is a basic responsibility present in most – if not all ethical theories – from utilitarianism and Kantian deontology, to virtue ethics and existentialist theories of ethics (cf. Singer 1972; Levinas 1969; Gert 2004). We believe that the extent to which one has an obligation of beneficence largely depends on the extent of suffering and one's possibilities to take it away or prevent it. When it comes to food-related health deprivations such a duty of beneficence also befalls actors in the food industry, and arguably the food and beverage industry is more in a position to contribute to the prevention of these diseases rather than to find a cure.

Yet, this remains a very general responsibility that is derived from being part of a system and operating in it. When we look more closely at the social connections between a food producer or retailer and possible health deprivations there is reason to see obligations of beneficence to be more specific. For example, it may be that certain vulnerable groups are depending for their nutrition on specific corporate agents – think of a discount supermarket in a food desert. This relation of *dependency* offers support for various moral concerns. Relations of dependency are often seen as creating special moral bonds that go beyond general beneficence, either because they involve a specific caring role (as in the case of parents towards their children) or because the depending party is particularly vulnerable to possible negative consequences of what the other does or does not do. Strong dependencies also create possibilities of exploitation or domination – and precautions to avoid such exploitation could be justified as a matter of non-maleficence and justice (cf. Valdman 2008; Young 1990).

The another normative consideration that would ground a political responsibility in the light of connection to structural injustice, is *fairness*. This is specifically relevant where actors (for example food companies) are also linked to structural injustice in the sense that they directly or indirectly benefit from those

circumstances. If many share responsibility for such circumstances to occur and sustain, and some are reaping benefits of the situation, it is fair to assume that those have a special responsibility to contribute to prevention or resolution of those problems (cf. Butt 2007; Meyers 2004; Miller 2012). Fairness would also be a ground for arguing that those who have a greater causal role in the structural injustice, also have a greater responsibility to respond to it.

Upon establishing that social connection implies a responsibility to address these injustices, we can hold that firms have a responsibility to address structural health injustices. But the question remains: what would this imply for different actors in the food industry in their daily practices?

Implications for the scope of corporate responsibility in the food and beverage industry

We propose three criteria – capacity, benefit, and vulnerability – in order to answer three questions: 1) What can different companies do? 2) Which companies should do more?, and 3) Which consumer groups should be given priority? Rather than focusing on one set of actors (for instance the fast-food industry), taking into account these three criteria enables differentiation of degrees of responsibility among the actors in the industry (from the multinational food producer to the supermarket and the local food kiosk) and the type of actions that could be required of them.

Capacity: what can different companies do?

When determining the kind of responsibility an actor has, a relevant consideration is whether it has the ability to address specific injustices. Whether the actor is well placed to take responsibility depends on the specific set of capacities it has (Miller, 2012). In the context of business, there are certain *corporate capacities* that are the most relevant regarding influencing and reducing the impact of food-related public health issues. Corporate capacity is a broad concept, but we can think of different elements, such as financial performance, company size, and market position, and the type of business involved, to help determine the capacity of a corporate actor to affect structural health deprivation.

The first element that is central to determining the capacity of the firm is the company's *financial performance*. Because firms have an economic responsibility that they have to meet, next to their social responsibilities, corporate actors will always have to find a balance between having responsibility for the survival of the company and having a responsibility to society (Steinmann & Löhr, 1996). When a company is facing losses and is struggling to survive in the market, it will become harder to take some social responsibility than when it is making substantial profits. This does not mean that social considerations should fully fade into the background; one would always wonder, for instance, to what extent it is essential for the survival

of the firm to pay the CEO over \$14 million a year or to hire a famous film star to promote its product; the same money could be diverted to societal goals. Nevertheless, in general it can be argued that the greater the revenues and profit of a company, the more likely it is that it will be able to divert money to addressing situations of health deprivation the company is connected to.

Related to this are the *market position* and the *size* of the company. The market position of the company codetermines the extent to which it is constrained when taking action. It might be easier for the market leaders in the food and beverage industry (e.g., Unilever, Nestlé, Heinz, Mondelēz, or PepsiCo) to develop pro-health activities and engage in more risky market behavior (introducing new, healthier products, changing certain popular, unhealthy products) than smaller companies that have recently entered the market, which face higher start-up costs and greater economic risks. Consider, for instance, Ahold Delhaize, which occupies a leading position in the global retail market. Combining the high financial performance of the firm with the fact that it has many stores spread over three continents creates room to experiment with the sales of new, healthier food products and to try out novel marketing and nudging strategies to reduce the risks of health deprivation. Furthermore, the market frontrunners have the capacity to realize societal change, as they can urge public and private actors to take collective action. They can take the lead in shaping the discourse on public and private food and health governance, for instance by creating sector-wide (public)-private cooperation on healthy food (similar to the creation of the Forest Stewardship Council and the Round Table for Sustainable Palm Oil) or even by lobbying the government and supranational organizations for stronger health regulations (rather than lobbying against it).

Finally, *the type of business* is relevant in determining the capacity of a firm to take responsibility. The specific kind of skills and tools of a particular firm largely determines what it can do to remedy health deprivation. It therefore makes sense that food producers mainly focus on the product level, such as the reformulation of existing products (e.g., improving nutritional value, increasing satiety, decreasing energy availability), the development of new healthy products, and enhancing transparency concerning the nutritional value of certain products (e.g., labeling, front-of-pack nutrition information). Other types of businesses, such as kiosks, cafeterias, and supermarkets are better placed to take responsibility by steering consumer behavior (e.g., experimenting with nudging, developing more responsible marketing practices). The top food multinationals can take action at multiple levels – marketing and the development of products, for example – but can also conduct long-term research on the effect of their products, develop new marketing strategies, and monitor consumer behavior as well as foster private and public-private cooperation to reduce vulnerability to health deprivation (Astrup, Bovy,

Nackenhorst, & Popova, 2006; Tempels, Verweij, et al., 2017) .

Benefit: which companies should do more?

As pointed out in the previous section, structural injustice is not only a matter of the presence of inequalities in the social position of groups; it also involves how other actors benefit from the dire situation others are in. In the context of health deprivation, groups of persons might not necessarily reap financial benefits from the health deprivation of other groups in society, yet many corporate actors in the food and beverage industry do. As Miller (2012) and Butt (2007) point out, benefitting from such injustices creates a responsibility to address these injustices.

Given that we are trying to determine which companies could do more, it makes sense to assess the extent to which specific firms are benefitting from these injustices. It would be a simplification of reality to merely assess the revenues of each food and beverage company, as firms offer different products and employ different strategies to promote their products. We argue that firms that mainly sell unhealthy products are more likely to derive the majority of their revenue from structurally disadvantaged consumer groups, in comparison with firms that have a healthier or more balanced product portfolio, as people from lower socioeconomic groups are more likely to consume cheap, unhealthy food and beverage products (cf. Whittle et al. 2015).

The kind of product market a company is deriving its revenues from therefore becomes relevant. It matters whether a company is mainly selling fries fried in lard or sugar-laden energy drinks, or whether it is producing seaweed burgers or snacks that are low on salt, sugar, and fat. Although there are firms that produce only one type of unhealthy products, there are also many companies that offer a wide variety of products – some of which are more likely to have a negative impact on health than others. In order to say something about the degree to which these firms benefit from structural health injustice, it is relevant to assess the product portfolio of these firms, the way in which these products find their way to the market, and to whom they are being sold.

Companies should assess a) to what extent they are selling unhealthy products, b) to what extent these types of products make up a large part of their product catalogue, c) whether the sale of these products is being actively promoted, and d) to what extent these products are specifically consumed by more vulnerable groups. The more a company is selling and promoting the sale of products that have a greater potency in terms of contributing to the health deprivation of groups that are already vulnerable, the greater the likelihood that the company is benefitting from injustice. This illustrates that benefitting from the vulnerable creates a stronger responsibility to take action, and the vulnerable need to be prioritized when this action is taken, as we will discuss next.

Vulnerability: which consumer groups should be given priority?

Taking the criterion of vulnerability into account means that a firm's responsibility for food-related public health issues is more stringent at the moment it is dealing with consumer groups that are more constrained due to their lower socioeconomic status. In line with the argument about benefitting, it is also the case that if a company's revenues are mainly derived from products sold to those groups that are vulnerable to health deprivation, this gives the company stronger reasons to contribute to strengthening the health situation of these groups.

Note that this does not imply that firms would have to engage in group-specific paternalistic behavior, such as taking away Andrew's soda, while allowing the wealthier, like Brenda and Catherine, to keep drinking their equally sugar-laden drinks. To understand what taking into account this vulnerability to health deprivation does entail, let us consider the case of the fictional food multinational 'Food Giant.' The Food Giant is aware of socioeconomic health differences between its consumer groups and aims to effectuate its responsibility for health by developing new policies and practices to address the food-related health diseases its consumers are dealing with. Given that the firm's CSR possibilities are always constrained by economic considerations, the criterion of vulnerability can help prioritize the various options the company has regarding taking responsibility for health. Corporate policies that aim to improve public health should in the first place target those groups that are most vulnerable to health deprivation. This could, for example, mean that Food Giant would 1) start healthy innovation on products that are generally bought by people in groups like Andrew's, 2) give coupons for healthier food products to people who receive social benefits, 3) prioritize sponsoring sport activities in neighborhoods where people with a lower socioeconomic status live, and 4) start experimenting with pro-health nudging and pro-health marketing in these neighborhoods.⁶

Now, one could argue that the most effective solution might be to limit the sales of unhealthy products in neighborhoods with high concentrations of consumers with a lower socioeconomic status in general, or simply to limit the sales of these products in particular. However, we hold that such approaches would disproportionally and negatively affect consumer equality as well as leave little room for consumer preference. In order to avoid possible corporate paternalism, the strategies discussed above create a more positive, equal, and inclusive approach to corporate responsibility for health. They take into account the vulnerability of certain groups but also reward people like Andrew with a healthier product rather than punishing them by removing choice.

The brief elaboration of these criteria reveals how corporate responsibility for food-related public health issues can take shape. The above examples are not all-encompassing, but they can help guide our intuition concerning which actors in the food industry can do what, which of them should do more, and which consumer

groups should be given priority. In what way this can viably take shape in daily corporate practice should be further explored in empirical research, but this exploration reveals what the pathways for taking corporate responsibility for food-related public health issues could look like.

V. Theoretical and practical implications

The above discussions show how taking into account structural injustices has important implications for our understanding of corporate responsibility. Our approach expands the notion of corporate responsibility: we point out how corporate responsibility should go beyond living up the law and adhering to principles of ordinary morality such as non-maleficence and respect for (consumer) autonomy by showing how firms also have a forward-looking political responsibility for the structural injustices that arise out of the social processes in the global system in which they operate.

Political responsibility for justice complements the basic moral and legal responsibilities of corporate actors. All corporate actors that are connected to nutrition-related structural injustices – implying both the fully law-abiding supermarket chain, as well as a blameworthy fast-food company – have to take action to change the social structures that facilitate and perpetuate structural health deprivation. This means that this political responsibility might be conceived as a virtue, as it requires firms to assess what operating as a responsible actor in the global system entails and how they can practice this while balancing other moral considerations (cf. McKeown 2014). This makes discharging this responsibility actor specific and more open-ended. Note that taking political responsibility can involve supporting stricter legal regulation (for instance companies lobbying governments for stricter food safety laws). This could put certain undesirable business practices within a legal framework, allowing these food practices to be more strictly controlled through governmental rule-setting and regulation.

This conceptualization of political responsibility is not only relevant for the food industry, it also applies to responsibilities that firms have for other structural problems, such as the structural harms of gun violence or the exploitation of minorities in marketing campaigns (Brenkert, 1998, 2000).

While social connection to structural injustice implies an ongoing responsibility to contribute to a more just society, the criteria of vulnerability, benefit, and capacity help to focus CSR practices in specific sectors and contexts. Even though in a globalized business environment firms are connected to many instances of injustice, it is possible to assess what particular injustices firms have a closer connection to. For instance, although it is morally laudable that Coca-Cola focusses part of its CSR actions on the dire labor conditions of construction workers in Dubai (Vara, 2014), it might be more appropriate to focus on the negative impacts its own products and core business activities have on global public health. In a

similar fashion, the connection between a supermarket and health deprivation is more stringent when it is operating in a food desert with vulnerable low-income residents (making it more likely that the supermarket will benefit from the health deprivation of its consumers) compared to when this same firm is operating in a healthy and wealthy neighborhood. In addition, depending on the capacities and position of their firm in the market, every entrepreneur, CSR manager, or CEO can make an assessment of what kind of actions would be more suitable. A local entrepreneur can assess whether it is possible to switch to healthier products, while the CEO of a large food multinational can take the lead in lobbying against child marketing.

These criteria can also be applied to different kinds of industries, such as the garment industry or the weapons industry. In the case of the latter, it might be morally laudable if these firms funded public playgrounds, but given their social connection to gun violence, it might be more fitting to see how changes in the design, advertising, and distribution of their core product can curb this impact (Brenkert, 2000).

VI. Conclusion

The responsibility of the food and beverage industry for the rise of noncommunicable diseases remains a controversial topic. Yet by drawing on the work of Iris Marion Young, we show that corporate actors in the food and beverage industry have a responsibility to address the structural injustices in food-related NCDs, and we provide additional criteria to help clarify the scope and content of corporate action regarding public health for different corporate actors in the sector.

This article has three key contributions. First, we show that the unequal distribution of food-related public health problems among social groups in society can be understood as a structural injustice. We explain how groups with a lower socioeconomic status can be structurally constrained concerning their opportunities to make healthy decisions, which makes them more vulnerable to health deprivation in the form of food-related diseases in comparison with groups in the upper strata of society. Structural injustice is a gradual concept, depending on the extent to which different groups of people are more or less vulnerable to deprivation. Food-related public health problems are a structural injustice for those groups that are most limited in their actions opportunities, but other social groups may well be free from such constraints.

Second, our study contributes to the debate on the grounds and scope of corporate responsibility by showing how corporations can also have guiltless political responsibility for structural injustices. Furthermore, the criteria of *capacity*, *benefit*, and *vulnerability* provide guidance regarding what taking this responsibility can involve for different types of firms working with different consumer groups.

These criteria are not only useful when talking about public health issues, but can also help to guide corporate action in other situations involving structural injustice (e.g., sweatshop labor and racial and gender discrimination).

Finally, this study contributes to connecting the debates on business ethics and public health ethics by providing a justification why corporate actors in the food and beverage industry have a broader positive responsibility for addressing food-related public health issues. We show how the food and beverage industry through its business activities is sustaining and enhancing the vulnerability to health deprivation of specific groups in society. Taking responsibility for food-related public health issues should ideally take into account to what extent a company is dealing with consumer groups that are more structurally constrained. This has implications for CSR programs in the food and beverage sector, as it can be seen as a call for more tailor-made approaches that are specific to the context a company is operating in and the kind of consumers it is dealing with.

The food and beverage industry plays a role in structural health injustices and this expands the scope of corporate responsibility for health, beyond merely living up the law and adhering to basic moral principles such as non-maleficence and respect for consumer autonomy. In practice this means food firms have a responsibility to go beyond providing information on a healthy lifestyle and providing healthy food options. Justly and earnestly engaging in corporate responsibility for health entails that businesses should work toward limiting their impact on the health deprivation of vulnerable groups in society and – together with governments, IGOs, NGOs, and consumers – should work toward remedying food-related public health issues.

Notes

1. We assess the responsibility of corporate actors in the food and beverage industry, but the terms ‘food industry’ and ‘food and beverage industry’ will be used interchangeably.
2. In this article we focus specifically on public health issues that are often associated with food and beverage consumption (e.g., noncommunicable diseases such as type 2 diabetes, obesity, and heart failure). Henceforth we will refer to these as food-related public health issues.
3. In reference to Barnhill et al. (2014) we make a distinction between *unsafe* and *unhealthy* foods products. Unhealthy food products significantly increase the risk of food-related health harms (non-communicable diseases), but do not pose an immediate harm to health, and whose risk-attributing components are food substances (e.g., salt, sugar, fat). This can be contrasted with unsafe food products, namely foods that poses a risk of direct harm

(poisonous foods), poses a risk of harm at any level of consumption (disease-carrying food) or where the risk is induced through non-food substances (e.g. foods containing mercury) (Barnhill et al., 2014, pp. 192–193).

4. The notion of strict liability is not uncontroversial in moral philosophy (Couto, 2018; Duff, 2009; Gardner, 2005; Kramer, 2005). In her discussion of the notion of strict liability Couto points out that while it is tolerated in tort, there is a lot of philosophical opposition to the notion as it “attributes remedial duties to agents on the mere ground that they played a causal role in bringing up a certain state of affairs, irrespective of fault. This [...] goes against goes against some deeply entrenched views in moral philosophy” (Couto, 2018, p. 2174).
5. While it might be worthwhile to explore Young’s different and sometimes conflicting understandings of connection in more detail, it goes beyond the scope this particular article. For a more elaborate exploration of Young’s different understandings of existential, causal and dependent connection and their conceptual (in)compatibility see McKeown (2014).
6. There is ample discussion on the possible problematic aspects of nudging in regard to autonomy and freedom of choice in the public sector (Grüne-Yanoff, 2012; Sunstein, 2014), but whether this is problematic within the context of the private sector has yet to be explored. Although this topic requires further reflection, it goes beyond the scope of this particular article.

CHAPTER 6

Discussion
and
conclusions

Chapter 6 Discussion and conclusions

This last chapter brings together the main findings from the different chapters of this dissertation. It briefly recaps the central research questions and research goals, which is followed by a summary of the central findings of each chapter. After providing an answer to the central research questions the implications of this research are discussed. I discuss the theoretical contributions of this dissertation, reflect on broader questions that this thesis raises, provide directions for future research and make several practical recommendations for firms in the food and beverage industry. This chapter concludes with some final remarks.

I. A recap of the research goals and research questions

In the introduction of this thesis I made clear how the responsibility of food and beverage companies for food-related health harms such as obesity and type 2 diabetes is essentially contested. By setting out the debates that are currently taking place in public health ethics and business ethics, it is made clear that the responsibilities of firms, governments, individuals and other societal actors for food-related health problems seem to be intertwined. This in turn provides reasons to rethink the responsibilities food firms have for the health problems that flow from the consumption of unhealthy food and beverage products. This paved the way to the central research questions of this dissertation, namely: *what are the moral grounds for companies in the food and beverage industry to address food-related public health problems?* And the derivative more practical question: *what could taking responsibility for food-related public health problems in the context of the food and beverage industry look like?*

On the basis of these overarching research questions four research goals were formulated:

1. To clarify whether and why firms have a wider social and political responsibility for the common good.
2. To explore the possibility of corporate responsibility for public health within the context of the food and beverage industry.
3. To identify under what conditions the sales and marketing of unhealthy food and beverage products is irresponsible.
4. To identify the possible injustices involved in food-related public health problems and assess whether food and beverage firms have a responsibility for this.

Every chapter of the thesis addressed one of these goals. The section below briefly recaps the central findings of each chapter.

II. Summary of findings

The first goal was to explore whether and why firms would have wider social and political responsibilities for the common good. To do so, *chapter 2* explored the notion of political responsibility within the context of the debate in business ethics on corporate citizenship. In this debate it is held that firms not only have economic responsibilities, but also have wider social and political responsibilities. Two different approaches to corporate political responsibility are discussed, namely the political corporate social responsibility approach (Scherer & Palazzo, 2011; Scherer et al., 2006) and the subsidiarity approach (Assländer & Curbach, 2014, 2017). The chapter highlights various problems in both approaches and makes clear how the work of political philosopher Iris Marion Young on responsibility for justice can provide a novel perspective on what political responsibility entails for firms (Young, 2011). Drawing on the work of Young it is argued how political responsibility can be seen as a shared responsibility to tackle societal problems – specifically structural injustices – and how this responsibility holds for both governmental actors and corporate actors.

Chapter 3 discusses how responsibility for public health can be understood within the context of the food and beverage industry. It argued that many food firms are engaging in morally ambivalent behavior as they engage in various activities that negatively impact public health, while simultaneously taking action to remedy food-related public health problems. On the basis of the work of Verweij (2014), Schermpf (2014) and Young (2011) it is put forth that public health should be reconceptualized as a shared responsibility. This perspective provides a forward-looking approach to responsibility for public health and creates room to reflect upon what corporate responsibility for food-related public health problems might entail.

In *chapter 4* the conditions under which the sales and marketing of unhealthy food products is irresponsible are identified. The notion of ordinary morality is used as a starting point for this reflection. On the basis of this normative framework firms have the responsibility to respect consumer autonomy and adhere to the principle of non-maleficence (cf. Gert 2004; Hsieh 2017). On the assumption that unhealthy food and beverage products are not necessarily harmful, it is argued that the core moral concerns in the sales of unhealthy products lies with the problem of manipulation in marketing and sales. To what extent this is problematic depends on whether consumers are expecting potential manipulation, the degree of manipulation and whether the product is likely to have a negative impact on health. Subsequently recommendations are made with regard to what firms could do to prevent the possible manipulation of consumers into unhealthy consumption, namely a) not marketing unhealthy food and beverage products to children and b) be more prudent in marketing unhealthy products to adults.

Chapter 5 addresses corporate responsibility for the injustices in food-related public health problems. It is analyzed how food-related health problems can be

understood as structural injustices, and it is illustrated how through their economic and political activities food firms are sustaining and reinforcing these problems (cf. Young 2001, 2011). This creates a social connection that provides the basis for a political responsibility to address these injustices. Three criteria (capacity, benefit and vulnerability) are introduced to guide what taking corporate responsibility for food-related public health problems can entail. In doing so, the chapter provides a new theoretical lens to assess what taking responsibility for these kinds of problems might entail for various corporate actors in the food and beverage industry.

III. Main conclusions

By meeting the four research goals of this thesis it now becomes possible to answer the central research question: *what are the moral grounds for companies in the food and beverage industry to address food-related public health problems?* On the basis of the above chapters it can be concluded that corporate responsibility for food-related public health problems can be grounded in two ways.

Firstly, food firms have several responsibilities that spring from the notion of ordinary morality. Within a market setting there are two moral principles that stand out as ones that need to be foremost adhered to. Firms have the responsibility not to unduly harm others and live up to the principle of non-maleficence, while simultaneously having the responsibility to respect their autonomy (cf. Gert 2004; Hsieh 2017).

Secondly, it is made clear how considerations of justice are also a ground on which corporate responsibility for food-related health harms can be based. On the basis of Young (2011) it is put forth how food-related health problems can be conceived as structural injustices. Food-related health harms disproportionately affect the less well-off groups in society, and food and beverage firms play a part in creating and sustaining these injustices. Due to this social connection firms have a political responsibility to address these injustices.

On these bases it can be concluded that corporate responsibility for companies in the food and beverage industry to address food-related health problems is grounded in considerations of *non-maleficence*, *respect for autonomy* and *justice*.

These findings help to answer the second research question: *what could taking responsibility for food-related health problems in the context of the food and beverage industry look like?* Living up to the standards of ordinary morality means that food firms are to refrain from marketing unhealthy food products to children and should reconsider the sales and marketing of unhealthy products to adults. It provides guidance on what kind of activities firms should no longer engage in. In addition, the responsibilities that flow from social connection involve more than refraining from certain actions, they also include positive action. Taking this responsibility can

take shape through activities within the market such as innovation of healthy food and beverage products and pro-health marketing, but also through (political) CSR activities such as sponsoring of sports events, cooperating in public-private partnerships for health, or lobbying in favour of governmental regulation that would address market failures that negatively impact public health. While this overview is by no means exhaustive, it provides first suggestions of what taking responsibility for food-related health problems could entail in daily corporate practice.

IV. Theoretical contributions

The findings in this thesis contribute to both the theoretical fields of public health ethics and business ethics. In this section I will briefly discuss how this dissertation helps expand and deepen these philosophical debates.

Contributions to public health ethics

The theoretical starting point of this thesis was the suggestion of Verweij (2014) that responsibility for public health could be understood as (forward-looking) shared responsibility. This means that different societal actors (individuals, governments, public and private organisations) have different compelling ethical reasons to promote and protect health (cf. Verweij 2014; Verweij & Dawson 2019). Yet, as pointed out in chapter 1, it remained unclear on the basis of what normative considerations it could be argued that *firms* would also share in this responsibility for health, nor was it clear and what taking this responsibility could consist of in a market context.

By exploring the moral grounds for corporate responsibility for food-related health harms this thesis has been able to show that the idea of shared responsibility for public health can hold sway. The elucidation of the food industry's impact on structural injustices in food-related health harms and the subsequent discussion of social connection and political responsibility in chapter 5, particularly strengthens the theoretical idea that multiple actors can share responsibility for public health.

These findings not only expand the idea of Verweij (2014), but it also allows the debate in public health ethics to move beyond the dichotomy of individual responsibility for health – as often propagated by libertarian scholars – and governmental responsibility for public health – which is often stressed by public health scholars (cf. Epstein, 2004; Marks, 2017; Rothstein, 2002; Stuckler et al., 2012). This thesis makes an important step in exploring what shared responsibility for public health can entail in the context of the food and beverage industry. The theoretical body developed in chapter 5 can also be used to explore other public health problems and assess whether and how different kinds of industries and corporate actors are connected to them. One can for instance think of the social connection of firearm manufactures to gun violence or how the pharmaceutical

industry is connected to health problems that occur due to the unavailability of certain medicine (cf. Brenkert, 2000; Feldman & Frondorf, 2017).

Moreover, this dissertation creates room for a more nuanced reading of the role the food and beverage industry can and should play in countering the global obesity epidemic and the rise of other NCDs. As pointed out in the introduction, critical public health scholars put forth two particular positions in the debate on 'Big Food' and 'Big Soda', namely that i) firms only take serious their economic responsibilities and ii) that firms are engaging in morally blameworthy behaviour when they are selling products that are unhealthy and potentially harmful.

This thesis shows how both the empirical and the normative picture is more nuanced. In chapter 2 and 3 it made clear that firms are in fact engaging in several initiatives that contribute to the common good, and seek to improve public health in particular. In addition chapter 4 shows that the assumption that selling unhealthy products is morally problematic does not do justice to the complexity of the debate in business ethics on the sales of potentially harmful products and the tensions with consumer sovereignty.

However, this does not mean that these critical public health scholars do not raise an important point. They do. Many firms are engaging in dubious moral behaviour and have a negative impact on public health. But, to make a convincing argument for both governments and firms, it is important to make explicit what their obligations are. It needs to be clear when companies fail to do what they should do, or in fact do what they actually should refrain from doing. And that is what this thesis has specified. In chapter 4 and chapter 5 it becomes clear that food and beverage firms need to respect consumer autonomy, not manipulate people into unhealthy consumption, and have a forward-looking responsibility to address structural health injustices. Critical public health scholars can make use of these normative arguments to appeal to firms, show possible pathways to take responsibility, and – when firms do not act – turn to governments to demand stricter regulation.

Furthermore, by unveiling what moral principles are at stake when food firms affect public health, this thesis not only offers normative guidelines for firms, but can also provide guidance on when governmental intervention and regulation of the industry might be desirable. While firms can make considerable efforts to combat food-related health harms, there are developments that have a negative impact on public health that cannot be addressed by firms alone, as all companies are confronted with the constraints and dynamics of the market environment, such as competition and the occurrence of business opportunities.

For even though individual companies can innovate and develop more healthy food products, that does not stop other firms from entering the market who see a business opportunity in the sales of cheaper and possibly more attractive

unhealthier versions of those products. When competitors are free to put tasty yet unhealthier products on the market, or branch out into neighbourhoods that are turning into food deserts, this creates a competitive disadvantage for the ethical front-runners in the industry and ultimately undermines their contribution to public health (cf. Iacobucci 2016; Morrison 2019). Government regulation may therefore be necessary to enable firms to take their responsibility, e.g. by creating industry-wide level-playing fields, by providing regulation on how much salt, sugar and fat certain products may contain, by introducing mandatory front-of-pack nutrition labels, and by regulating the number of fast food outlets in specific areas.

Hence, showing what might be reasonably expected of firms in dealing with food-related public health harms, also reveals the limits of corporate responsibility, and highlights the necessity for government intervention to promote and protect corporate responsibility.

Contributions to business ethics

Apart from the contributions to the debates in public health ethics this thesis also provides new insights in the field of business ethics.

In the first place this dissertation contributes to the debates in business ethics, as, to the best of my knowledge, this is one the first attempts to provide a comprehensive philosophical investigation of what corporate responsibility for health can entail in the food and beverage industry. As made clear in chapter 1 there is an ongoing discussion on CSR in the food industry, yet the majority of these studies are predominantly empirical and focus on issues such as different kinds of CSR practices in the food industry, how corporate responsibility strategies are communicated, and consumer perception of CSR (Hartmann, 2011; Iivonen, 2017; Souza-Monteiro & Hooker, 2017). This thesis provides a deeper understanding of corporate responsibility in the food industry by assessing the normative reasons why firms *should* engage in CSR. It lays bare the moral arguments why food firms have to be concerned with their impact on public health, while simultaneously pointing out what are possible pathways to do this. In doing so, it can help food and beverage firms that sell unhealthy products to deal with the paradoxical tension between their social goals and their core business, and find ways to address the moral ambivalence in their behaviour.

Secondly, the theoretical contributions in this thesis are not only of importance for reflection on the responsibilities of the food industry for health. They can also provide new perspectives on what corporate responsibility and irresponsibility can entail in different sectors.

Chapter 4 for instance argues that the principles of ordinary morality have clear moral implications for firms that operate within the market. Economic

considerations do not trump these basic moral requirements. This has implications not only for how food firms ought to operate, but for all firms operating in the market. For example, the analysis of manipulation in marketing and advertising can also be relevant in other sectors where different kind of products are sold. It provides a basis for analyzing the ethics of advergames, online marketing, and marketing to children in any market context (cf. Brenkert 2008; Crisp 1987; Moraes and Michaelidou 2017).

Thirdly, this thesis also provides new insights into how political corporate responsibility can be understood and how this responsibility relates to structural injustices. In the debate on political CSR the normative considerations seem to have been pushed to the background. Reference is made to the work of Iris Marion Young when talking about social connection responsibility, yet the nature of why firms would have a responsibility to address societal problems in the first place remained unclear (see chapter 2).

In chapter 2 and chapter 5 it is shown that many societal problems do not 'just' randomly occur. There are specific problems that come to be, due to the intentional and unintentional actions of multiple actors operating in one global social structure. In reference to the work of Young I show how food-related health harms can be understood as structural injustices. These situations of structural injustice are not brute bad luck, as they are most often constructed by the actions and interactions of a plurality of actors, who consequently shared a political responsibility to address these issues.

While this thesis has pointed out how connection to the injustices in food-related health harms offers grounds for a political responsibility for food and beverage firms, there are several other societal problems that may well be understood in terms of structural injustice. Global labour exploitation, discrimination and some of the social effects of climate change are just a couple of the problems that could be assessed through this lens (Eckersley, 2016; Hayward, 2017; Young, 2011).

The discourse on structural injustice and social connection thus provides a new lens by which we can reassess corporate responsibility for mitigating or preventing various kinds of social ills. The theoretical approach put forth in this thesis brings together the debates on business ethics and political philosophy and in doing so allows us to further conceptualize the notion of political responsibility in different corporate contexts. The normative framework provided in this thesis can serve as a stepping stone for reflection upon corporate responsibility for other situations of harm and injustice.

Finally, the findings in this dissertation contribute to the debate on the scope of corporate responsibility. As pointed out in chapter 1, the question whether and to

what extent firms have a responsibility to address harm and injustice is something that is at the heart of the debate in business ethics.

As mentioned in the previous section, social connection to structural injustices can ground the responsibility for firms to address these injustices. Yet, in addition to showing that firms have this responsibility, I also argue that corporate responsibility for injustices as well as situations of harm can differ per firm. This thesis puts forth that considerations like benefit, capacity, and vulnerability of the groups one is dealing with, are relevant in determining which actor is better (or best) placed to address a particular problem. Furthermore, in chapter 2 it is made clear that the scope of corporate political responsibility has certain limits, as it does not require firms to take up the role of the state. While taking political responsibility requires firms to push governments to remedy injustice and further the creation of such public institutions when they do not exist, it does not require firms to actually take over the role of the state. Coercive actions that are necessary to ensure freedom and fairness remain a central governmental responsibility.

This still raises questions in situations where an overarching public authority is absent, like when dealing with global governance issues or when a company is operating in a failed state. In these cases it falls within the scope of the responsibility of corporate actors to see to it these public institutions come to be. But in the construction of this public authority, how is legitimacy assured? It seems that in these cases the issue of democratic legitimation that is raised by scholars of political CSR is still pressing. Notwithstanding these remaining questions, this thesis has gone some way towards enhancing our understanding of what political responsibility can entail for corporate actors, thereby furthering the debate on political corporate responsibility in global governance (Djelic & Etchanchu, 2017; Eberlein, 2019; Scherer et al., 2016; Schneider & Scherer, 2019).

V. Discussion of assumptions and limitations; recommendations for future research

While this thesis provides answers to the central research questions, several issues remain unaddressed. This section provides some broader insights on related questions that spring from the various topics addressed in this thesis, it highlights some omissions, and, on the basis of this, makes recommendations for future research.

The value of (un)healthy food

While this dissertation discusses the impact of unhealthy food, it does not fully deal with the ambiguity in food science on what can be understood as healthy and unhealthy food. There is considerable discussion among food scientists on what products or ingredients are seen as healthy and unhealthy. Ultimately one can

question whether there is such a thing as an unhealthy food product – it is the dose, or better: a person's diet, that determines what is or what is not healthy. Yet even though the distinction between healthy and unhealthy foods is not clear-cut it is still possible to appeal to common knowledge or to nutrition science as a basis for deeming certain products – e.g. products that contain a relatively high level of sugar, fat or salt – to be unhealthy. A further complication might be that nutrition science is dynamic and that, what was once considered healthy and necessary for optimal human functioning, is now considered one of the causes of the obesity epidemic. Uncertainties about claims in nutrition science might make it harder to assess whether firms are engaging in behavior that can be seen as irresponsible. How firms should deal with uncertainties and changes in scientific knowledge, how these potential risks might be anticipated, and what this implies for corporate responsibility is something that deserves to be investigated in more detail.

Furthermore, this thesis does not take into account the possible value of unhealthy eating. In this dissertation it has become clear that if we treasure our health, which – arguably – most people do, then diseases that spring from unhealthy eating can be problematic and need to be addressed. Yet, as pointed out in chapter 4, unhealthy eating might not necessarily be directly harmful. And even if it is harmful to health, that does not mean it cannot be of value to our lives. We might simply enjoy the taste of candy corn Oreos, treasure a specific unhealthy apple pie recipe because it belonged to our late grandfather, or value the social elements of a meat-heavy BBQ with our friends from college. So, there can also be cultural and social value in unhealthy eating (cf. Barnhill et al., 2014; Conly, 2012). A certain degree of health is necessary to live a good life, yet this does not necessarily mean one should also live a healthy life. The good life and the healthy life are not the same, and some people might be willing to make a trade-off between their health and health-impeding activities that they nevertheless consider to be an intrinsic part of their conception of the good life.

How considerations of pleasure, social and cultural value can inform the debate on corporate responsibility for health in the food and beverage industry, is not fully explored in this dissertation. Is there still a place for unhealthy 'enjoyment' products and the companies that produce them? In regard to these questions I often think of the Heart Attack Grill. This is a hospital themed fast food restaurant which has an 'Octuple Bypass Burger' on the menu which contains nearly 20,000 calories. Intuitively it seems to me there is something morally off with such a product, yet it is hard to pinpoint where the moral problem lies. Can there be something wrong when a company develops a food product of which one portion contains such an excessive amount of calories? Why could it be?

The above questions show that a comprehensive understanding of corporate responsibility for food-related health harms cannot be decoupled from the discussion of responsible innovation in the food industry (Blok et al., 2017; Garst et

al., 2017). If we want to move towards a responsible food industry, then philosophical investigations should also take place on product level, by exploring both the ethical and conceptual philosophical issues in food innovation. This for instance means reflecting on our understanding of (un)healthy food, the meaning of innovation in food research as well as the value of healthy and unhealthy eating. It also creates room to investigate how food developers should weigh the value of unhealthy eating in relation to health risks and reflect upon whether certain product innovations could be seen as inherently irresponsible due to their unhealthy composition. It are these kinds of topics and issues that deserve to be taken up in future research on responsible innovation.

The legitimacy of corporate involvement in politics and science

While this thesis touches upon the positive role firms could play in politics, there is still ample room to reflect upon the role that food firms are allowed to play, or should play in politics and science. As pointed out in chapter 1 and chapter 4 food firms frequently engage in behaviour that affects public health policy making (Bateman-House et al., 2017; Bødker et al., 2015; Kurzer & Cooper, 2013) and undertake actions that affects the conduct of research in food science (Kearns et al., 2017, 2018; Nestle, 2015, 2018). However, it is not clear how this behaviour should be assessed from a moral perspective.

At the end of chapter 4 it is put forth how this behaviour could be seen as problematic as through these political activities firms undermine both citizen autonomy and fruitful public deliberation and policy-making, which in turn has harmful effects on public health. In addition, these activities can also be harmful in a broader sense, as this kind of political involvement can result in the corruption of public officials and scientists, reduce the quality of scientific research, and diminish the quality of the democratic system (cf. Alzola, 2013; Nestle, 2018)

Yet, this argument would need to be worked out in more detail, especially since there is no consensus in the debate in political philosophy and business ethics on the role corporations ought to play in politics or science (cf. Claassen & Gerbrandy, 2018; Hussain & Moriarty, 2018; Tempels, Blok, et al., 2017; Wettstein & Baur, 2016). More research is necessary to specify what the boundaries of political corporate activity are, to what extent lobbying is legitimate, and how this relates to the political responsibilities of firms. Greater clarity on this can in turn inform what kind of involvement of food companies in science and politics would be permissible, laudable or objectionable.

Corporate paternalism

This thesis indicates various directions for firms to take action to contribute to public health, but one can nevertheless wonder whether such actions would amount to a form of *corporate paternalism*. While many actions by firms to stimulate healthy

eating might be morally praiseworthy from a public health perspective, they are not without controversy. For example, 'Meatless Monday' programs at universities have been criticized as anti-liberal paternalistic interventions that limit individual choice and consumer freedom (Peters, 2015).

The same critique might also apply to other private efforts that contribute to public health, as they either limit choices or steer consumers into a specific direction of what the good life consist of. And while we have claimed in chapter 4 that steering people to a more healthy choice is, arguably, less objectionable than steering people towards an unhealthy choice, the problem of paternalism nevertheless deserves our attention. Now, one might argue that these corporate actions are not problematic, for most of us are living in a free market society. Hence, if people do not wish be confronted with corporate actors promoting health, they will just go to a different store, and it is likely that different companies will enter the market that will suit the needs of those consumers that want a less healthy product. However, we are often dealing with imperfect markets, where monopolies can arise and inter-firm cooperation can take place (cf. Norman 2011; Heath 2014). So the reality is that there are (small) communities where the choice of supermarket is very limited and competitors are unlikely to enter the market (think, for instance, of the so called 'Tesco-Towns' in the UK or the earlier dominance of Wal-Mart in the rural areas in United States) (Martin, 2006). Arguably, food deserts are problematic, but what about 'health deserts'? What if private corporate partnerships – in an effort to collectively improve public health – decide to remove certain sets of products from the market or raise the price of certain unhealthy products? Whether such actions are morally desirable and whether these kinds of initiatives are in need of additional democratic legitimation, is something that should be taken up in future research (cf. Claassen and Gerbrandy 2016, 2018; Humphreys et al. 2015).

Food CSR: Corporate perception of responsibility

This dissertation mainly focussed on the normative foundations of corporate responsibility, yet has said little about the *perception* of responsibility *within* the food and beverage industry. As such there remains a gap between normative theory and empirical practice that deserves to be explored. In future research it would be relevant to assess how corporate actors in the food and beverage industry view their responsibility for food-related health problems. Do managers think their firms have a responsibility for addressing these problems? What kind of activities would they (not) want to engage in? Do they see clear boundaries between corporate responsibility, consumer responsibility and governmental responsibility? Are there differences in perception of responsibility in different departments of the firm, per sector or per country? More empirical research could inform us about the barriers and challenges firms face when engaging in pro-health CSR activities (Blok et al.,

2017; Garst et al., 2017). Bringing together both normative considerations and empirical findings are crucial for allowing CSR to actually take shape in practice.

Moral theory: the relation between moral wrongs and political responsibility

Lastly, in this dissertation it is put forth that firms have a responsibility to adhere to the law, respect the basic moral principles that flow from ordinary morality, and also have political responsibility to address structural injustices. However, in the literature there remains an ongoing discussion on how political responsibility should be understood, and how it relates to certain moral wrongs (Barry & Ferracioli, 2013; Couto, 2018; McKeown, 2014, 2018; Owen, 2013) and this research project only partially addresses the interaction between these different kinds of responsibility.

It is worthwhile to further explore whether morally blameworthy behavior might be an additional ground for discharging political responsibility. For example consider two food firms of similar capacity, that are dealing with the same consumer group that is vulnerable to health deprivation, and they are also benefitting equally from the products that they sell to these consumers. It seems that they have a similar responsibility to contribute to prevention of these health problems. Now, say that one of the companies has made use of child marketing to sell its products. Does this violation of ordinary morality provide an additional or maybe even a more pressing reason for this particular firm to act upon these issues? How do past wrongs affect corporate responsibility? And does it matter whether the wrong was committed two months ago, or twenty-five years ago? In other words, to what extent past and present moral wrongs should be taken into account as considerations for taking action against certain injustices needs to be taken up in future research (cf. Huseby, 2015; Janssen, 2013; Miller, 2001; Schrempf-Stirling, Palazzo, & Phillips, 2015).

VI. Practical recommendations for firms operating in the food and beverage industry

If firms are serious about living up to their responsibilities for public health this has implications for how they can operate in the market and how they interact with society. Arguably, what firms must and can do will differ on the basis of the type of business they have, what their capacity is to promote health, and what their position in the market system is. Yet it is not difficult to suggest concrete examples of what changes can be made in corporate practice:

- Food producers that develop new products should reconsider the development of products that in a single portion exceed the daily recommended intake (DRI) of particular ingredients. For instance, cheese slices that contain more than 100% of the DRI in salt, or candy bars or sugary beverages that in a single portion contain more sugar than one should consume on a daily basis.

- Food producers should continue to innovate and develop healthier food products. This not only entails reducing the level of potentially harmful ingredients, but also working towards ways that inhibit consumers from engaging in mindless eating. For example, potato chips producer Pringles for a long time used the slogan: “Once You Pop, You Can’t Stop”. Yet, the fact that Pringles might contribute to people mindlessly eating their potato chips is exactly the problem. In the case of Pringles this can for instance be remedied by introducing a single red potato chip after every portion. This can make the consumer aware that she is going to start eating a new portion.
- Retailers should stop marketing unhealthy food and beverage products to children. This means child marketing, such as using popular cartoons, toys or gamification, ought to come to an end. This for instance means that McDonalds – for as long as the Happy Meal remains an unhealthy set of food products – should stop adding toys to the menu. Furthermore, firms should reconsider selling and marketing unhealthy products at high schools.
- Firms can start nudging people towards healthier choices. This can for instance be realised by making sure the healthier choices are available at a lower price, only giving a discount on the healthier varieties of products (e.g. the sugar free version of a soft drink brand), altering the shopping environment (such as putting healthier products in the front of the store), and by setting up check-outs with healthy products, rather than unhealthy ones.
- Firms should stop lobbying against public health policies that seek to address food-related public health problems. Rather they should call upon government to regulate the food market, address market failures and create rules that can enable a level-playing for all food and beverage firms.
- Firms should cooperate in public-private partnerships that contribute to public health. This can consist of various activities, such as educating people about healthy eating, sponsoring activities that stimulate a more healthy lifestyle (provided that only company’s the healthier products are being marketed), and funding research projects that seek to assess the impact of particular products on public health.
- Firms that partake in food science research should act with the same degree of scientific integrity as is expected of public research institutions. This means that they should communicate their findings to the public, regardless of whether these findings shed a positive or negative light on particular

ingredients or food and beverage products. The citizen-consumer needs to be informed about the risks of consuming particular products.

Systematic reflection on the moral responsibility of food companies and retailers is not just a theoretical matter. Even though the grounds for responsibility are relatively general and abstract, it is certainly possible for leadership, professionals, and shareholders of food and beverage firms to consider concrete possibilities for taking responsibility for public health, and reflecting on what types of actions are reasonable, if not required.

VII. Concluding remarks

This thesis started out with an anecdote about me going around in the supermarket, wondering whether my unhealthy choices and eating patterns were solely my own responsibility. In this dissertation I have tried to make clear that this not the case. I show that if we assume that food-related health problems can be construed as public health issues, as they affect the entire population, then all societal actors that are connected to this have a shared responsibility address these problems. Responsibility for public health is not a pie. This means that individuals and governments have a responsibility for health, but it also draws private actors like food and beverage companies into the equation.

I argue that corporate responsibility for companies in the food and beverage industry to address food-related health problems is grounded in considerations of non-maleficence, respect for autonomy, and justice. On the basis of this it is put forth what kind of behavior is morally blameworthy and what kind of actions would be morally laudable, and I provide possible directions that firms can take to address these problems.

For the industry to take action on food-related public health harms and act in more responsible fashion will not be easy. In the title of this thesis I refer to the two contrasting faces the food industry seems to have, as many firms engage in morally ambivalent behavior when it comes to public health. I do not think this ambivalence can ever be truly solved or overcome (or at least not within the contemporary capitalist system). Within the current market system there will always be a tension between the economic responsibilities and the social and political responsibilities of firms. Living up to these responsibilities will be a balancing act.

Nevertheless, what this thesis shows is that we can move towards a more responsible food and beverage industry, and that there are moral reasons to expect this change to *also* come from within the industry. Possible pathways for change have been laid out. It is up to firms to take up the gauntlet and develop new strategies and implement those policies that can contribute to a food and beverage industry where public health is no longer secondary consideration.

Appendices

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Summary

Food-related non-communicable diseases (NCDs) such as obesity, type 2 diabetes and cardiovascular diseases are key threats to public health. Yet, the responsibility for food-related health harms is contested. While traditionally viewed as mainly an individual responsibility or a governmental responsibility, fingers are nowadays also pointed at the food and beverage industry, as many firms are producing and marketing unhealthy products that contribute to the rise of obesity and other food-related NCDs. Yet, does the behaviour of the industry and the impact its products have on public health also give reason for moral concern? Are these firms doing anything wrong? Are there normative considerations on the basis of which it can be argued that food and beverage firms have a responsibility for public health? This dissertation explores the moral grounds for firms in the food and beverage industry to address food-related public health problems, and simultaneously reflects upon what taking responsibility for these problems could entail in practice.

After an introduction in *chapter 1* on the context of the study and the central research questions, the dissertation continues with a more general philosophical exploration of the notion of corporate responsibility in the second chapter. *Chapter 2* poses the question why corporate actors, such as firms in the food and beverage industry, would have a responsibility for the common good. Drawing on the debates in business ethics on corporate citizenship it is argued that firms do not only have economic responsibilities, but also social and political responsibilities. Two distinct approaches to corporate political responsibility are discussed, namely the political corporate social responsibility approach developed Scherer and Palazzo and the subsidiary approach of Assländer and Curbach. The chapter makes clear that there are various conceptual and empirical problems in both approaches, and subsequently shows how the ideas of the political philosopher Iris Marion Young can shed a new light on what political responsibility entails and what this responsibility could imply for corporate actors. On the basis of her ideas, it is argued that political responsibility should be viewed as a shared responsibility to address structural injustices and other societal problems, and that this political responsibility applies to both corporate and governmental actors. For firms, taking political responsibility entails engaging in private actions to remedy social harms, cooperating in public-private partnerships that have similar social goals, aiding governments in their efforts to remedy injustice, or – when governmental institutions are not present or failing – work towards bringing public institutions into existence.

Chapter 3 focuses on how responsibility for public health can be understood in the context of the food industry. It discusses the kind of practices food and beverage firms engage in and shows the moral ambivalence within the industry, as

many firms engage in activities that both negatively and positively affect public health. Drawing on the debates in public health ethics and political philosophy it is proposed that responsibility for public health should be understood as a shared responsibility. The chapter then considers what responsibility for public health can entail for food and beverage firms and discusses what various types of companies can do to address food-related public health problems.

The next two chapters further explore the moral responsibilities of food firms for public health and reflect upon what responsible and irresponsible behavior in the food and beverage industry can entail. *Chapter 4* centres on corporate practices within the market context and addresses under what conditions the sales and marketing of unhealthy products gives reason for moral concern. On the basis of the works of Gert and Hsieh on ordinary morality, it is argued that companies have to adhere to the principles of nonmaleficence and respect for autonomy in both market and non-market environments. It is put forth that the main moral problem lies in the potential manipulation and deception of consumers in sales and marketing, which can impede autonomous decision-making and steer people towards (over)consumption of unhealthy products. The chapter proposes that food and beverage firms should take into account i) how manipulative their marketing techniques are, ii) the degree to which consumers can be aware of possible manipulation or are expecting it, and iii) the likely negative impact (over)consumption of their product(s) will have on public health. Not taking these considerations into account results in actions that are morally wrong and irresponsible. In order to refrain from engaging in irresponsible behaviour, the chapter proposes that firms should stop marketing unhealthy products to children and should reconsider the marketing of unhealthy products to adults.

Chapter 5 zooms out and puts the rise of food-related NCDs in a broader societal perspective. It highlights the injustices in food-related public health problems and reflects upon the implications this has for the responsibilities of food firms. Drawing on the writings of Iris Marion Young on inequality and responsibility for justice, it is argued how food-related health problems can be seen as structural injustices, and that food firms – through their market and non-market activities – are sustaining and reinforcing these problems. This creates a social connection to health injustices, which provides a basis for a shared political responsibility to address these injustices. The chapter then discusses three criteria (capacity, benefit, and vulnerability) for attributing responsibility which enable further specification of what taking responsibility for food-related health problems can entail for food firms in their daily operations.

The final chapter, *chapter 6*, presents answers to the central research questions and takes stock of the insights gained. It concludes that food and beverage firms have distinct responsibilities for food-related health problems, and that these responsibilities spring from considerations of *non-maleficence*, *respect for autonomy*

and *justice*. It subsequently outlines what taking responsibility could entail for various firms in the food and beverage industry (e.g. healthy innovation, pro-health marketing, and political lobbying for a level playing field) and makes recommendations on what kind of behaviour firms should no longer engage in (e.g. marketing unhealthy products to children and teenagers and lobbying against public health regulation). The chapter highlights the theoretical contributions of the thesis to the fields of public health ethics and business ethics, while also discussing the underlying assumptions and limitations of the research project. It touches upon the ambiguity in food science on how '(un)healthy food' should be understood, addresses the potential value of unhealthy eating as part of the good life, while also reflecting on corporate paternalism and the legitimacy of corporate involvement in politics and science.

In sum, the thesis shows that there are moral reasons for food and beverage firms to be concerned with food-related health problems. There is a corporate responsibility for public health and we can call upon the industry to take this responsibility and develop new products and strategies that strengthen, rather than hamper public health.

Samenvatting

Voedingsgerelateerde ziekten zoals obesitas, diabetes type 2 en hart- en vaatziekten vormen belangrijke bedreigingen voor de volksgezondheid. Wie verantwoordelijk is voor voedingsgerelateerde gezondheidsschade blijft echter een onderwerp van discussie. Hoewel deze verantwoordelijkheid van oudsher altijd gezien werd als de verantwoordelijkheid van het individu of van de overheid, wordt er tegenwoordig steeds vaker gekeken naar de rol van voedingsindustrie, aangezien veel bedrijven door de productie en marketing van ongezonde producten bijdragen aan de toename van obesitas en andere niet-overdraagbare ziekten. Het is echter de vraag of het gedrag van de voedingsindustrie en de impact van haar producten op de volksgezondheid ook moreel problematisch zijn. Doen deze bedrijven iets verkeerd? Zijn er normatieve overwegingen op basis waarvan gesteld zou kunnen worden dat ook bedrijven een verantwoordelijkheid hebben voor de volksgezondheid? Dit proefschrift onderzoekt welke morele redenen er zijn voor bedrijven in de voedselindustrie om voedingsgerelateerde volksgezondheidsproblemen aan te pakken en wat het nemen van deze verantwoordelijkheid in de praktijk voor bedrijven zou kunnen betekenen.

Hoofdstuk 1 begint met korte schets van de context van het onderzoek en hier worden vervolgens de centrale onderzoeksvragen geïntroduceerd. In *hoofdstuk 2* wordt overwogen waarom spelers in de markt, zoals bedrijven in de dranken- en levensmiddelenindustrie, een zekere mate van verantwoordelijkheid zouden kunnen dragen voor het algemeen belang. Binnen verschillende debatten in de bedrijfsethiek wordt geargumenteed dat bedrijven niet alleen een economische verantwoordelijkheid, maar ook sociale en politieke verantwoordelijkheden hebben. Twee verschillende benaderingen – namelijk de political corporate social responsibility-benadering van Scherer en Palazzo en de subsidiariteitsbenadering van Assländer en Curbach – worden uiteengezet. In dit hoofdstuk wordt gesteld dat beide benaderingen tegen zowel conceptuele als empirische problemen aanlopen. Vervolgens wordt aangetoond op welke wijze de ideeën van politiek filosoof Iris Marion Young een nieuw licht kunnen laten schijnen op hoe politieke verantwoordelijkheid begrepen kan worden en wat dit betekent voor de verantwoordelijkheid van bedrijven. Op basis van haar ideeën wordt betoogd dat politieke verantwoordelijkheid gezien moet worden als een gedeelde verantwoordelijkheid voor structurele onrechtvaardigheden en andere sociale problemen, en dat zowel bedrijven als overheden deze verantwoordelijkheid dragen. Voor bedrijven betekent het nemen van deze politieke verantwoordelijkheid dat ze: individuele acties ontplooiën om maatschappelijke problemen op te lossen; samenwerken in publiek-private partnerschappen die soortgelijke problemen adresseren, overheden ondersteunen in het tegengaan van maatschappelijke

onrechtvaardigheden, en – wanneer overheden hier niet in slagen of simpelweg afwezig zijn – actie ondernemen om publieke instituties tot stand te brengen.

In *hoofdstuk 3* wordt ingegaan op hoe verantwoordelijkheid voor de volksgezondheid begrepen kan worden in de context van de voedingsindustrie. Hier wordt aandacht besteed aan de activiteiten van de voedingsindustrie, en wordt de morele tweeslachtigheid van de industrie aangetoond; veel bedrijven ondernemen zowel acties die een positieve invloed hebben op de volksgezondheid als acties die een negatieve invloed hebben hierop. Aan de hand van debatten binnen public health ethics en de politieke filosofie wordt er voorgesteld dat de verantwoordelijkheid voor volksgezondheid als een gedeelde verantwoordelijkheid zou moeten worden gezien. Vervolgens wordt nagegaan wat een verantwoordelijkheid voor de volksgezondheid in zou kunnen houden voor bedrijven in de voedingsindustrie en wat verschillende soorten bedrijven zouden kunnen doen om voedingsgerelateerde gezondheidsproblemen aan te pakken.

In de twee daaropvolgende hoofdstukken worden de morele verantwoordelijkheden van bedrijven in de voedingsindustrie met betrekking tot de volksgezondheid verkend, en wordt er gereflecteerd op wat verantwoordelijk en onverantwoordelijk gedrag in de voedingsindustrie zou kunnen betekenen. *Hoofdstuk 4* focust op bedrijfspraktijken binnen de context van de markt en bespreekt onder welke omstandigheden de verkoop en marketing van ongezonde producten moreel problematisch is. Op basis van het werk van Gert en Hsieh met betrekking tot ordinary morality, wordt er beargumenteerd dat bedrijven zich – zowel binnen als buiten de markt – aan de principes van niet-schaden en respect voor autonomie moeten houden. Er wordt voorgesteld dat het voornaamste morele probleem in de mogelijke manipulatie en misleiding van consumenten door middel van verkoop- en marketingtechnieken ligt; deze kunnen een negatieve invloed hebben op de autonome besluitvorming en mensen richting (over)consumptie van ongezonde producten drijven. Vervolgens wordt gesteld dat bedrijven in de voedingsindustrie rekening zouden moeten houden met i) hoe manipulatief hun marketingtechnieken zijn, ii) de mate waarin consumenten bewust kunnen zijn van mogelijke manipulatie of het kunnen verwachten, en iii) in hoeverre het waarschijnlijk is dat (over)consumptie van hun product(en) een negatieve impact op de volksgezondheid heeft. Wanneer deze overwegingen niet in acht worden genomen, kan dit tot acties leiden die onverantwoordelijk en moreel verwerpelijk zijn. Om onverantwoordelijk gedrag tegen te gaan, wordt er in dit hoofdstuk voorgesteld dat bedrijven zouden moeten stoppen met de marketing van ongezonde producten richting kinderen en de manier van marketing van ongezonde producten richting volwassen consumenten zouden moeten heroverwegen.

In *hoofdstuk 5* wordt er van perspectief gewisseld en wordt de opkomst van voedingsgerelateerde niet-overdraagbare ziekten in een bredere maatschappelijke context geplaatst. Binnen dit hoofdstuk komen de onrechtvaardigheden die verband

houden met voedingsgerelateerde volksgezondheidsproblemen aan het licht en wordt er gereflecteerd op de mogelijke implicaties voor de verantwoordelijkheid van bedrijven in de voedingsindustrie. Aan de hand van het werk van Iris Marion Young over ongelijkheid en verantwoordelijkheid, wordt beargumenteerd dat sommige voedingsgerelateerde gezondheidsproblemen gezien kunnen worden als structurele onrechtvaardigheden en dat bedrijven in de voedingsindustrie – door middel van activiteiten binnen en buiten de markt – deze problemen in stand houden en zelfs versterken. Dit creëert een sociale verbinding met deze onrechtvaardigheden, wat een basis vormt voor een gedeelde politieke verantwoordelijkheid om deze onrechtvaardigheden aan te pakken. Vervolgens worden er drie criteria besproken voor het toekennen van verantwoordelijkheid (capaciteit, voordeel en kwetsbaarheid); deze maken de verdere specificering mogelijk van wat het nemen van verantwoordelijkheid voor voedingsgerelateerde gezondheidsproblemen voor voedingsmiddelenbedrijven kan inhouden in hun dagelijkse bedrijfsvoering.

In het laatste hoofdstuk, *hoofdstuk 6*, worden de antwoorden op de centrale onderzoeksvragen gepresenteerd en worden de verworven inzichten geïnventariseerd. Er wordt geconcludeerd dat bedrijven in de voedingsindustrie specifieke verantwoordelijkheden hebben voor voedingsgerelateerde gezondheidsproblemen, en dat deze verantwoordelijkheden voortkomen uit overwegingen van *niet-schaden*, *respect voor autonomie* en *rechtvaardigheid*. Vervolgens wordt er een beeld geschetst van wat het nemen van verantwoordelijkheid zou kunnen inhouden voor verschillende bedrijven in de voedingsindustrie (bijv. innovatie van gezonde producten, marketing van gezondheidsbevorderende producten en politiek lobbyen ter bevordering van een gelijk speelveld in de markt). Daarnaast worden er aanbevelingen gedaan met betrekking tot het soort gedrag dat bedrijven zouden moeten vermijden (bijv. op kinderen en tieners gerichte marketing van ongezonde producten en het lobbyen tegen wetgeving die de volksgezondheid zou moeten versterken). In dit hoofdstuk worden de theoretische bijdragen van dit proefschrift op het gebied van public health ethics en de bedrijfsethiek benadrukt, en worden de onderliggende aannames en beperkingen van het onderzoeksproject besproken. Er wordt kort aandacht besteed aan de ambiguïteit binnen de voedingswetenschap over hoe (on)gezond eten begrepen zou moeten worden en wordt gekeken in hoeverre ongezond eten een rol speelt in het goede leven. Daarnaast wordt er gereflecteerd op mogelijk paternalisme vanuit de industrie en de legitimiteit van de inmenging en betrokkenheid van bedrijven in de politiek en wetenschap.

Kortom: deze dissertatie laat zien dat er morele redenen zijn voor bedrijven in de voedingsindustrie om zich te bekommeren om voedingsgerelateerde gezondheidsproblemen. Ook bedrijven hebben een verantwoordelijkheid voor de volksgezondheid. Wij kunnen de voedingsindustrie aanspreken op deze

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Yet, sometimes researchers tend to forget that there's a world outside of academia. I sure did not. Hence I want to thank my friends who have been supporting me during this journey. It's hard to name the whole bunch, but I'll give it a try. My friends from college: Bart, Elisa, Peter, Suzanne, Chris, Marte, Indra, Sjors, and Mieke. You are the ones I could always call upon: whether it was for drinks, breakfast, dinner, board games, political discussions or moral support, many of you always found time - for which I'm incredibly thankful. Tim, thanks for being my true

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For my final remarks I'm going to switch to Dutch.

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Tjidde Helmar Tempels

Wageningen School of Social Sciences (WASS)

Completed Training and Supervision Plan



Wageningen School
of Social Sciences

| Name of the learning activity | Department/Institute | Year | ECTS* |
|---|--|-----------|-------|
| A) Project related competences | | | |
| Writing PhD Proposal | WASS | 2014 | 6 |
| <i>"On the concept of political responsibility in political corporate social responsibility"</i> | EBEN Research Conference, INDETG IUL/ ISCTE Lisbon | 2014 | 1 |
| <i>"Once the rockets are up, who should care where they come down?"</i> | Conference on Biofuels and (Ir)Responsible Innovation, TU Eindhoven | 2015 | 1 |
| <i>"Corporate Schizophrenia in the food industry"</i> | OZSW Conference, VU Amsterdam | 2015 | 1 |
| <i>"Grounding Corporate Responsibility for Public Health in the Food Industry"</i> | Philosophy of Management Conference, University of Greenwich Oxford. | 2015 | 1 |
| <i>"Grounding Corporate Responsibility: On Corporate Schizophrenia and Shared Responsibility"</i> | EBEN Research Conference, Università degli studi di Palermo. | 2016 | 1 |
| <i>"Socio-economic differences in health"</i> | Value of Life Conference Wageningen | 2017 | 1 |
| <i>"Grounding Corporate Responsibility for Public Health in the Food Industry: Dealing with Big Food's Ambivalence"</i> | OZSW Business Ethics Study Group, Wageningen | 2017 | 1 |
| B) General research related competences | | | |
| Introduction course WASS | WASS, Wageningen | 2014 | 1 |
| OZSW Spring School Ethical Theory and Moral Practice | OZSW, Utrecht University | 2015 | 6 |
| Critical Perspectives on Social Theory | WASS, Wageningen | 2016 | 4 |
| Reading Group PHI (Paper discussions, state of the art literature) | WASS, Wageningen | 2014-2018 | 4 |
| Reading Group Philosophy of Innovation & Philosophy of Technology | WASS, Wageningen | 2015-2018 | 4 |

| | | | |
|---|--|-----------|-----|
| <i>"Marx and the financial crisis"</i> | Wageningen University | 2014 | 0.5 |
| <i>"Schizofrenie in de voedselindustrie"</i> | Jonge professoren op het podium, Eindhoven. | 2016 | 0.5 |
| <i>"Rethinking Innovation: On Complexity and Normativity in Innovation"</i> | Opening Academic Year, Wageningen University | 2016 | 1 |
| Workshop Academic Writing | Joy de Jong Academisch Schrijven, Eenrum | 2019 | 2 |
| Reviewer of peer-reviewed articles | Journal of Business Ethics; Public Health Ethics | 2016-2018 | 1 |

C) Career related competences

| | | | |
|--|-----------------------|-----------|---|
| Teaching WUR : BSc: Analyse van een Probleemveld – Het bedrijf en zijn omgeving (2014-2016); Biologie & Filosofie (2015-2016); Bachelorthesis supervision (2015) MSc: Business and Society (2015-2016); Business and Innovation Ethics (2014-2015); Philosophy and Ethics of Economics, Management and Consumer Sciences (2016-2017); Masterthesis supervision (2015); | Wageningen University | 2014-2018 | 4 |
| Organisation of the 36 th Dutch-Flemish Day of Philosophy | OZSW, ISVW, Leusden | 2016 | 1 |
| Organisation of the 37 th Dutch-Flemish Day of Philosophy | OZSW, VU, Amsterdam | 2017 | 1 |
| Board member of the OZSW PhD Council | OZSW, Utrecht. | 2016-2018 | 2 |

| | | | |
|--------------|--|--|-----------|
| Total | | | 45 |
|--------------|--|--|-----------|

*One credit according to ECTS is on average equivalent to 28 hours of study load



Colophon

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