

A citizens' jury on regulation of McDonald's products and operations in Australia in response to a corporate health impact assessment

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The practices of transnational corporations (TNCs) affect population health through production methods, shaping social determinants of health, or by influencing the regulatory structures governing their activities.¹⁻⁴ It is estimated that there are more than 100,000 TNCs operating globally,⁵ with growth driven by increasing demand for TNC products in developing countries; facilitated by a broader global context that promotes neoliberal policies of trade liberalisation and strengthened private property rights.⁶ TNCs in different industry sectors use a variety of financial strategies to influence policy, including decreasing costs by avoiding taxation.⁷ It is possible for TNCs to shift costs and profits internally and across borders in ways that are most favourable to the corporation as a whole.⁸ Corporations can also 'strike an agreement' with taxation offices resulting in 'taxation by negotiation not legislation'.⁹

Growth in the fast food corporate sector has been shaped by the acceleration of food science since the 1980s that has allowed for increased production of cheap, palatable, often highly processed products that are energy dense and generally obesogenic;¹⁰ and the growth of TNCs that manufacture, distribute and market these foods globally. Overweight and obesity increase the risk of chronic diseases including diabetes, cardiovascular disease, high blood pressure, osteoarthritis and some cancers.¹¹ Chronic diseases are the leading cause of illness, disability and death in Australia,

Abstract

Objectives: 1) To report outcomes from a citizens' jury examining regulatory responses to the health impacts of McDonald's Australia; 2) To determine the value of using citizens' juries to develop policy recommendations based on the findings of health impact assessment of transnational corporations (TNCs).

Methods: A citizens' jury engaged 15 randomly selected and demographically representative jurors from metropolitan Adelaide to deliberate on the findings of a Corporate Health Impact Assessment, and to decide on appropriate policy actions.

Results: Jurors unanimously called for government regulation to ensure that transnational fast food corporations pay taxes on profits in the country of income. A majority (two-thirds) also recommended government regulation to reduce fast food advertising, and improve standards of consumer information including a star-ratings system. A minority held the view that no further regulation is required of the corporate fast food industry in Australia.

Conclusion: The jury's recommendations can help inform policy makers about the importance of ending the legal profit-shifting strategies by TNCs that affect taxation revenue. They also endorse regulating the fast food industry to provide healthier food, and employing forms of community education and awareness-raising.

Implications for public health: Citizens' juries can play an important role in providing feedback and policy recommendations in response to the findings of a health impact assessment of transnational corporations.

Key words: deliberative democracy, citizens' juries, fast food, health impact, assessment, transnational corporations

accounting for 90% of all deaths in 2011.¹² The subsequent impacts on health and wellbeing have established the importance of developing an integrated research agenda^{6,13} measuring health impacts,¹⁴ and gaining citizen feedback on health impact findings to strengthen impact on policy.¹⁵

The first aim of this paper is to report the outcomes from a citizens' jury examining the appropriate regulatory responses to a health impact assessment of McDonald's products and operations in Australia.¹⁴ Development

of the corporate health impact assessment (CHIA) approach included adapting health impact assessment methodology and applying a framework to identify a range of ways that TNCs in different industry sectors may distally or proximally affect population health and health equity.⁶ The second aim of the paper is to determine the value of using citizens' juries as a means to develop policy recommendations based on the findings of health impact assessment of TNCs.

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Deliberative democracy and citizens' juries

Deliberative democracy techniques^{16,17} that provide access to public opinion are widely applied to healthcare and health policy, issues that often resonate with citizens' own lives.¹⁸ Public health is often a major focus of these techniques that are used to engage the public in policy decision making, manage community expectations, and increase commitment to public health policy.^{19,20} A 'common thread' is the recognition of the need for new approaches emphasising a two-way interaction between the public and decision makers, and for informed deliberation among participants.^{21(p240)} Fearon describes deliberation as either "a particular sort of discussion, one that involves the careful and serious weighing of reasons for and against some proposition; or an interior process by which an individual weighs reasons for and against courses of action."^{22(p63)} In theory, therefore, deliberation can occur with others or individually; it is the act of considering different points of view and coming to "a reasoned decision that distinguishes deliberation from a generic group activity."^{21(p241)} Fundamental to deliberative democratic dialogue are interactions that are "egalitarian, uncoerced, competent, and free from delusion, deception, power and strategy."²³ Public views provide one source of data, with policy makers drawing on research findings, experience, and tradition together with their own personal and political judgements.¹⁹ Good public policy incorporates evidence, effectiveness and the common good as well as public opinion. In a democratic society, the best solutions are those that are embraced by a majority of the population.²⁴

One deliberative democracy technique is the citizens' jury, whereby a group of citizens learn about, reflect on, and present a collective statement on an important issue.^{20,25} Carson cites the usual number of members for a citizens' jury as between 12 and 20,²⁶ with one expert citing 15 with three or four reserves as a suitable number.¹⁵ This number of participants is seen to be large enough to provide adequate community representation and give the occasion meaning.¹⁵ Too many participants poses the risk that proper deliberative engagement may not occur, or that some participants' views may not be heard.¹⁵ The potential benefits of face-to-face juror interaction lie in small

numbers; however, in moments of genuine conflict, such personal contact may suppress disagreement and lead to false unanimity.²³ Although not difficult to convene, citizens' juries must therefore be well run and based on guidelines that include clarity regarding the main issue for deliberation and the scope of influence that jurors will have over the policy making process.¹⁵ The input of every participant should be carefully considered to address all legitimate concerns.²⁷

The benefits of a citizens' jury process are that it is focused, thorough and fair, and can provide policy and decision makers with citizens' insights on a wide range of issues that might otherwise remain unavailable. It may also provide a greater depth of knowledge about citizens' views than alternative research methods such as survey research or focus groups. This is because citizen jurors hear from and have the opportunity to cross-examine expert witnesses who represent a diverse range of perspectives and opinions.²⁰ Literature also shows that citizens are well able to understand underlying principles and deal with difficult concepts such as equity.¹⁵ The process allows for weighing evidence, discussing and debating potential policy options, and arriving at a mutually agreed decision; or the consensus²⁰ that has been described as both "a journey and a destination."²⁸ Although complete consensus may not be possible, the aim is to come to a decision that is acceptable to all jury members. Following the deliberative process, jurors are given evaluation sheets on their experience of the whole process, which aids research rigour and future review.²⁹

However, constraints or limitations associated with citizens' juries are also acknowledged in the literature. These include the cost of bringing the group together, the extent to which a small number of jurors may properly represent the view of the broader community, and the risk of failing to gain the level of attendance and cooperation needed for a successful outcome.²⁶ Pickard (1998) also shows that poor facilitation or time limits can compromise the value of citizens' juries by restricting the extent to which jury members can freely express views.³⁰ Further, citizens' juries have no formal powers, or accountability to act upon the jury decision.³¹ It may also be difficult to evaluate the influence of citizens' juries on decision making.²⁶

Regulating the 'fast food' industry: a citizens' jury on McDonald's Australia

We decided to conduct a citizens' jury to determine the views and recommendations of citizens on the findings from a Corporate Health Impact Assessment (CHIA) of the products and operations of McDonald's in Australia¹⁴ (see Supplementary file 1). The impetus for conducting the CHIA was the growing recognition that although TNCs have grown in power and influence over the past three decades, and have a significant impact on population health, the public health sector has not developed an integrated research agenda by which to study the corporation as a "foundational, social institution that affects health."^{13,32(p6)} This is despite a growing body of research that examines the practices of industry sectors in areas such as food and beverages,^{2,32,33} tobacco, pharmaceutical goods and extractive industries.³⁴⁻³⁶ We selected McDonald's Australia to pilot the application of the CHIA approach as it is one part of a major transnational food corporation and a fast food industry leader that serves and promotes greater levels of fast food than all of its competition combined.³⁷ In 2016, McDonald's was the most valuable fast food brand in the world with an estimated brand value of approximately 88.65 billion US dollars.³⁸ The availability of fast food outlets offering low-priced food with high levels of fat and sugar has been positively associated with obesity, both nationally and globally.³⁹⁻⁴¹

The research utilised a CHIA framework⁶ that focused on the health impacts from McDonald's political and business practices, products, and marketing strategies in Australia. It also reviewed positive and negative aspects relating to health and/or equity across five domains: 1) workforce and working conditions; 2) social conditions; 3) environmental conditions; 4) economic conditions; and 5) health-related behaviours.

Whether to and – if so – how to best regulate fast food corporations' products and practices are important issues for health equity. We therefore took the key findings from the McDonald's CHIA to a citizens' jury in October 2016 to determine jurors' responses and recommendations. We were especially concerned to gain citizen feedback on appropriate government regulation of the fast food industry, and to determine the efficacy of the citizens' jury as a suitable deliberative democracy forum for eliciting feedback on future corporate health impact assessments.

Methods

Recruitment

The research team engaged a market research company, accredited under the International Standard for Market Opinion and Social Research, which recruited 18 randomly selected and demographically representative citizens from the Adelaide metropolitan region in South Australia (see Supplementary file 2). Recruitment was facilitated by the use of Computer Aided Telephone Interviewing Systems (CATI). Recruitment steps complied with strict guidelines^{15,42} and excluded people who worked in the fast food industry.

A review of the literature shows that 40% of juries met on only one occasion.¹⁹ Eighteen jurors were recruited to this jury to allow for absenteeism on the day. The jury then comprised 15 of the 18 recruited members who met for a full day. Participants were offered an honorarium for their time and travel costs. In order to achieve a demographically representative group able to easily attend the event, and unaffected by loyalty to fast food employer, jurors were selected according to the following criteria:

- Variation in age (over 18 years)
- Equal female / male representation
- Variation in working status
- Variation in income status
- Living in the Adelaide metropolitan area
- Fast-food industry workers excluded.

Conducting the jury

Literature on the use of citizens' juries in health policy decision making suggests that it is good practice to use a professional facilitator who adopts a neutral stance to the questions under consideration, and who assists jurors to undertake a structured discussion towards achieving a consensus view within the allotted time.¹⁸ We engaged a facilitator who was formerly a public sector CEO in local government and health, was experienced in using citizen juries to inform policy and very familiar with the processes. In the jury planning meetings, the facilitator was insistent that the process we adopted would be focused on both hearing from all jurors and coming to a resolution. The facilitator managed expert witness presentations and discussion sessions, took responsibility for timekeeping, and kept the deliberations focused on the key issues. The jury process was conducted over seven sessions.

We collected three forms of data. In consultation with jurors and research staff, the facilitator recorded the outcomes of the proceedings of each of the sessions on a whiteboard, which was then photographed by the research team. Each member of the team took notes on the content of jury discussions during each deliberative session, except in sessions four and five when they acted as scribes for jury sub-group discussions, as noted below. We collated these data and Author 1 used content analysis⁴³ to examine data from each session separately to identify key questions raised, points of discussion and arguments put by jury members, and outcomes of the session where this applied. With data from sessions two, four, five and six, analysis focused on identifying jury members' responses to the sessions' key questions, including identifying positive and negative views expressed, or arguments for and against, where these were present, and points of agreement. We discussed outcomes of the analysis as a team and refined our views on the jury process and outcomes accordingly.

Overview of jury sessions

The broad scope of the seven jury sessions included setting the jury 'charge', presenting information from the CHIA findings, hearing from and quizzing expert witnesses, deliberating to reach consensus, making policy recommendations by providing a Jury Statement, and giving feedback on the efficacy of the jury process. The outcomes of jurors' engagement within these sessions are reported in the Results section.

Session 1

In Session 1, the facilitator outlined the orientation for the day and provided an overview of the role and underlying principles of a citizens' jury. The jury 'charge', or main question to be addressed, was established at the outset.²⁶ This focuses the jury's attention and provides a template for determining recommendations.⁴² The charge was: *What regulations are appropriate for governing McDonald's operations in Australia?* Jurors were advised that their views would be disseminated in ways to help inform policy makers.

Session 2

In Session 2, the McDonald's CHIA findings were presented by the research staff. This provided an overview of the key findings,

including a range of potential positive and negative health impacts spanning the five domains noted above. A written summary of the findings was also sent to jurors and expert witnesses prior to the event, and is summarised in Box 1.

After questioning the research team on the CHIA findings, the jurors moved into small groups to reflect on the specific question to be addressed in this session, which was: *What are the main issues to be considered from the findings of the HIA in relation to fast food industry regulation?*

Following small-group discussions, the jurors then reconvened into the larger group to identify common themes and to reach agreement on the most important issues for deliberation.

Session 3

In Session 3, jurors heard from and quizzed invited witnesses who had expertise in, and competing views on, regulation of fast food corporations. In citizens' juries, expert witnesses are used to explain complex issues in lay terms, provide a range of perspectives, and help jurors to understand, critically analyse and interpret the central issues under discussion.⁴² Three expert witnesses from industry and public health were invited to assist this jury by providing differing perspectives on the CHIA findings.

Industry perspective: A senior member of an Australian food industry representative organisation presented a business perspective on McDonald's Australia's

Box 1: Key findings from McDonald's Corporate Health Impact Assessment.

Corporate strategy:

Seeking the least restrictive regulatory environment

Political practices:

Engaging high profile lobbyists, membership of key food industry and business organisations promoting fast food industry self-regulation of the fast food industry

Positive business practices:

Corporate social responsibility measures contributing to sustainable operations

Corporate philanthropy initiatives

Negative business practices:

Influence over government regulations

Taxation strategies undermining government funding

Outlet placement more likely in low-income areas with implications for health and equity

Incentive based and integrated marketing, sponsoring sporting and other community events

Purchase-triggered charity. (Anaf et al. 2017)

products and operations, and on appropriate fast food industry regulation. This person noted that the food industry is a large wealth creator for Australia and discussed the benefits of McDonald's operations in Australia, especially in respect to employment. The witness stated that McDonald's Australia adheres to all existing regulatory requirements, is among the top 2% of corporate tax payers, and is recognised for its fairness to staff and for its community support. This person's view was that McDonald's would negotiate with the Australian Taxation Office in regard to tax liability. Jurors were also advised that the priorities of McDonald's Australia included improving menu choices and food quality, improving marketing practices (particularly in relation to children), ensuring sustainability of the supply chain, minimising environmental impacts, maintaining its important role as a Registered Training Organisation, and its contribution to the community. The industry witness promoted a business perspective on fast food regulation that emphasised individual responsibility for health, and argued that a range of voluntary initiatives instigated by industry are effective forms of regulation.

Public health perspective: Two witnesses with a background in public health and expertise in advertising and nutrition, respectively, were jointly allocated equivalent time to that of the industry representative to provide jurors with a public health perspective on fast food advertising and nutrition, and appropriate forms of fast food regulation. The expert in fast food advertising advised jurors that the impacts from advertising included increased product awareness and greater demand, and that these may lead to increased consumption. This person discussed the limitations of self-regulation whereby fast food advertising codes are drawn up by an industry body with some public consultation. This system relies on complaints from the public being considered by a board of lay people who have no mandate to apply sanctions to advertisers.

This witness also discussed advertising directed at young people; advising that young children cannot recognise the persuasive intent of advertising, or distinguish advertising from entertainment. However, the Children's Television Standards (CTS) apply only in prescribed viewing times, and do not limit the volume of food advertising or distinguish between healthy

and unhealthy foods. Current regulations, codes and initiatives on food marketing to children do not cover food packaging or supermarket displays, which often feature competitions and cartoon characters that attract children.^{44,45}

The witness with expertise in nutrition summarised research showing that McDonald's products have high levels of saturated fat, sodium and sugar, which are linked to multiple health problems. This person noted the increasing prevalence of Australian adults and children classified as being overweight or obese, and highlighted that healthy policy tools include regulation and taxation. Regulating to introduce taxes, as has occurred in some jurisdictions, may reduce fast food intake, lower the risk and rates of lifestyle diseases, and generate revenue for preventative programs.

The literature on citizens' juries states that after all expert witnesses have presented and been quizzed by the jurors they can retire from the proceedings, but they should remain available by telephone for the duration of the jury to be able to take calls on any issues that require clarification.¹⁵ The two public health witnesses elected to leave, while the industry representative chose to stay for all sessions and contributed to the discussion throughout.

Session 4

Session 4 was the first of two deliberative stages. The question to be addressed by the jurors in this session was: *Should there be regulation to address the health impacts of McDonald's operations?* The research team acted as scribes and recorded the jurors' reasons for and against fast food regulation without contributing to or influencing the discussions.

Session 5

In Session 5, the second deliberative stage, jurors then addressed the question: *What type of regulation should be employed?* They addressed this by providing their views on the most appropriate regulatory bodies and forms of implementation. Again, research team members acted as scribes, in the same manner as noted above.

Session 6

In Session 6, jurors collaborated to develop the Jury Statement: a collective statement on the issue/s under consideration that is devised by summarising and

synthesising their process, and offering recommendations to be conveyed to decision makers and/or the public.²⁴ This final question was: *What are the key messages to the public about the research and the deliberations of the Jury?*

Session 7

In Session 7, the facilitator reviewed and summarised the jury process, with jurors then completing evaluation sheets. The jurors' responses to questions on a rating scale included in the evaluation sheets were counted, and all qualitative responses collated *verbatim*.

Ethics approval to conduct the jury was granted by the Flinders University Social and Behavioural Research Ethics Committee to conduct the jury (Project number 7130).

Results

Jurors' views on McDonald's Australia's products and operations

Based on the presentation of CHIA findings and information provided by expert witnesses, jurors identified key issues concerning McDonald's Australia's products and operations by identifying both negative and positive aspects.

Positive aspects

Jurors maintained that McDonald's has a positive role in Australian employment, especially for instilling a work ethic in young people and providing experience and transferable skills. McDonald's operations were also deemed good for the economy overall, through direct and indirect employment. As McDonald's purchases most of their ingredients within Australia, this was seen as a positive outcome for the economy.

Negative aspects

The main concerns raised by jurors included the employment of [legal] taxation minimisation schemes; limitations of self-regulation; marketing strategies that may manipulate the public; and lack of accountability for environmental and social impacts, with perceived highly discretionary and selective corporate social responsibility initiatives. Other concerns were lack of clarity over food content, food pricing that has not increased relative to income levels, and the fact that 'healthy' meal options that are more expensive than 'core' products are not as actively promoted.

Other issues

Other issues debated by jurors concerned whether or not responsibility for eating habits inheres in the individual; whether the higher number of outlets in low socioeconomic areas is exploitative; and any responsibility McDonald's has to provide or fund public education on food choices.

Deliberative stage 1: Gaining consensus on regulation

Jurors deliberated on whether any health impacts were linked to the increased frequency of fast food consumption; the relatively low-level of healthier product consumption; and whether methods of fast food preparation affect its nutritional value. Jurors also discussed whether or not the general public should have a role in controlling fast food advertising, and whether advertising and marketing should have a greater focus on promoting healthier options. Examples of the many questions posed by individual jurors to aid their deliberations included:

- What do we want industry to do?
- Should there be regulation to support healthy choices?
- To effect change, do we have to be prescriptive?
- Should we expect industry to contribute [towards cost of regulation]?
- If regulation is needed, who should do it?
- Do we need tax as an incentive?
- If regulation is increased, could health impacts be measured?
- What is the agenda of regulatory bodies? Can they be trusted?
- How much are [regulatory bodies] influenced by industry?

Following stage 1 deliberations, jurors identified the reasons why they either endorsed greater regulation or – instead – argued for maintaining the existing regime for monitoring McDonald's products and practices.

Endorsement of fast food regulation

Jurors who endorsed further fast food regulation cited the importance of McDonald's paying taxation on profits in the country of income; the detrimental outcomes from production and marketing of unhealthy food; and the need to fund public education initiatives. Such issues reflect these jurors'

overarching concern for health and equity in areas of public policy.⁴⁶

Regulating for equitable taxation

Regulation to ensure more equitable taxation measures was important for jurors. Participants agreed that McDonald's should be taxed at a higher rate than small businesses and not be allowed to engage in taxation strategies such as global transfer pricing, which reduces the Australian Government's revenue for health and welfare provision. Jurors concluded that McDonald's (and other large businesses) should not have a lower tax liability than other business entities or individuals, or be able to negotiate 'special deals' with the Australian Taxation Office.

Regulating for healthy food

Participants' views were that current marketing and advertising guidelines are not stringent enough and impose no real consequences in the breach. One contention was that there should be no element of chance or gambling allowed as part of McDonald's promotional activities. Jurors maintained that although the corporation has made some positive changes to its menu, fast food remains unhealthy, and that at least one healthy option should be mandatory for every outlet. Imposing greater regulation may lead to higher fast food prices through increased taxation, and therefore less demand for unhealthy food.

Regulating to fund public education

Jurors called for more diet-related education in schools, with McDonald's and other fast food corporations contributing towards the cost, possibly through taxation. There was also a perceived need for providing parents with better basic food knowledge. Regulation could therefore lead to better education and positive food choices. The form of regulation should include a star-ratings system implemented through industry funding, as well as industry funded health promotion initiatives.

A minority of jurors gave reasons why they opposed further fast food regulation.

Opposition to fast food regulation

The minority of jurors who opposed greater regulation espoused the values of individual choice and the need to take personal responsibility for health. The witness information and some jury deliberations

focused on the existing 'regime' of regulation of the fast food industry (which does not consist entirely of self-regulation), and the decision from this minority group on the day was partly based on the view that this was adequate. These jurors' views reflected the primacy of individual choice and individual responsibility, and supported the freedom of business operations.

The primacy of individual choice and individual responsibility

Participants who opposed further regulation also argued that it would be ineffective, as people who enjoy eating fast food would continue to purchase it. Any price increase from greater regulation would impact unfairly on low-income groups. One juror argued that people, including herself, do not go to McDonald's to get healthy food; instead, they understand that it is 'junk food' but would cook at home if they wanted to. Incentive toys promoting 'Happy Meals' were not seen as a negative enticement to children, but as a distraction that allows adults to engage in conversation while at fast food outlets. These participants held that food consumption is a matter of personal responsibility, and individuals are able to self-regulate their consumption based on a wide understanding that fast food is detrimental to health. The 'problem' of obesity was seen as the responsibility of individuals and households, not industry. McDonald's promotion of sporting activities and 'active lifestyles' for children was also seen as worthy, and held in a positive light.

Supporting freedom of business operations

Jurors opposed to further regulation of fast food also claimed that businesses should be free to sell unhealthy food; that McDonald's are 'good enough' in respect of self-regulation; and that the overarching role of the corporation is profit making, not making people healthy. It is individuals rather than McDonald's (or corporations) who are responsible for negative environmental impacts such as high-level littering. Even though the corporation could adopt biodegradable packaging, jurors maintained that this should not be mandatory. Increased regulation was also understood to result in reduced consumer choice. One respondent summarised the minority opposition to increased regulation in the statement: "I don't think you can tell people how to run their businesses".

Despite wide-ranging perspectives, the outcome of the first deliberative stage was that *all* jurors reached consensus on the need for some form of TNC fast food industry regulation. Deliberative stage 2 then focused on the types of regulation, the responsible agencies, and the most appropriate implementation processes.

Deliberative Stage 2: Identifying regulatory responses

The scope of regulation discussed in the second deliberative stage focused on participants' views regarding advertising, consumer information provision, funding for public education, and regulating for more equitable corporate taxation. Jurors maintained that regulation should be directed towards improving health and imposed to limit advertising to healthier food options. Appropriate legislative bodies would be those with adequate resources, e.g. the Australian Competition and Consumer Commission, or the Australian Communications and Media Authority.

Regulating for equitable corporate tax rates

Jurors maintained that the Australian Taxation Office should ensure corporations pay a higher level of taxation on profits by not privately negotiating taxation liability with McDonald's or other corporations. Government regulation should be imposed to address taxation strategies such as corporate transfer pricing.

Regulating for improved consumer information

Jurors supported regulation for more explicit information on food quality, funding an independent regulatory body, and better resourcing existing regulatory bodies. Product promotion should proscribe gambling or the element of chance, and advertising should be limited to healthier food options. When implementing appropriate regulation for consumer information, visual cues should be provided to assist people with low literacy levels. A mandated health star-rating system based on evidence and dietary analysis should become part of the implementation process.

Regulating to fund public education

Participants maintained that revenue raised from McDonald's (and other fast food

corporations) should be used to fund health education and promotion, and be regulated through the Australian Taxation Office (ATO). International evidence on the value of taxing high sugar and fat products should be reviewed prior to implementation.

The Jury Statement: As part of the collaborative process in session six, jurors drafted a consensus statement reflecting their key message to decision makers and the general public: *Transnational corporations should be paying taxes on profits in the country in which they earn their income.*

This was the single unanimous view held by jurors concerning the extent of regulatory changes. Ten jurors provided a majority statement, and five a minority statement in respect of other regulations. The majority statement was:

- *There should be regulation of fast food advertising in order to ensure an incentive for healthier food.*
- *There should be regulations for standards of consumer information demonstrated by a star-rating system (based on higher content of sodium, energy, saturated fats and sugar).*
- *Lower star-rated foods should be taxed and the revenue used for health promotion education.*

The minority statement was: *There is sufficient regulatory control by industry and government and there is no need for further regulation. It is a matter of individual responsibility.*

Evaluating the citizens' jury

Jurors were provided with evaluation sheets that included 10 questions relating to the jury process. They unanimously supported this citizens' jury as a forum in which their views could be fully expressed to the research team, and reported it as a positive process. Jurors all agreed that adequate information had been provided to carry out their role and that a one-day process was a suitable time-frame. The collation of jurors' more nuanced responses is included *verbatim* in Supplementary file 3.

Discussion

This paper outlined the principles of deliberative democracy and citizens' juries as potentially useful vehicles for determining public opinion and recommendations for critical issues in public health policy. Aside

from reporting the outcomes of the jury process, our main aim was in gauging the use of citizens' juries as a means of developing citizen-informed policy recommendations in response to the findings of a CHIA. If found to be effective in this way, citizens' juries could then be employed in research on other TNCs across a range of sectors and in countries with differing levels of development. Our assessment is that the jury process and outcomes reported in this paper show that a citizens' jury can be an effective means to develop health-related policy recommendations in response to research on a corporation's health impacts, and is also useful to illuminate citizens' attitudes in relation to corporations' health-related practices.

This jury identified the circumstances under which members of the public support greater regulation of the fast food industry. It reached consensus on the need for greater regulation of TNC taxation liability, with jurors calling for changes to protect public revenue and promote equity.⁴⁷ A two-thirds majority of jurors also called for greater regulation of fast food advertising and standards of consumer information with the aim of improving population health. The WHO notes that worldwide obesity has nearly tripled since 1975. In 2016, more than 1.9 billion adults, 18 years and older, were overweight. Of these, over 650 million were obese.⁴⁸

The minority view that supported maintaining the existing regulations represented the main tenets of neoliberalism, including the centrality of the individual, freedom of choice, individual responsibility, protection of self-interest, and non-intervention by the state.⁴⁹

Overall, a majority recommended significantly stronger regulatory controls of major fast food corporations than that currently practised by Australian governments. The mix of views highlights and represents the contested views between industry and public health, and within the wider community on appropriate fast food regulation. Undertaking this citizens' jury provided the research team with insights into the benefits of careful deliberation between members of a demographically representative group within an egalitarian, professionally managed forum. The jury findings will also assist us to inform a policy brief on the research findings from both the CHIA and the citizens' jury.

Conclusion

The authors conclude that this jury's recommendations can inform policy makers about the importance of taxing fast food corporations in the country of income by ending legal profit-shifting strategies. Although the jury only included community members from metropolitan Adelaide it showed that there was strong interest in the issue under deliberation; especially on the need to regulate for healthier food, and for employing forms of community education and awareness-raising. A limitation was the small size of the jury. We recognise that citizens' juries take many forms, and have the potential to be scaled up. Another round of deliberations may therefore have provided further salient issues for deliberation, but financial constraints precluded this option. Another limitation was that because the two public health witnesses could not stay for the whole day's proceedings, they were unable to engage with the jury to the same extent as the industry representative. This may have inadvertently influenced the minority position against further fast food regulation. Our research indicates that citizens' juries can be an effective means to elicit policy recommendations from research findings concerning the health impacts of the products and operations of transnational corporations across a range of industry sectors.

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Supporting Information

Additional supporting information may be found in the online version of this article:

Supplementary File 1: Summary of Health Impact Assessment.

Supplementary File 2: Jurors' demographic profiles.

Supplementary File 3: Collated findings from jurors' evaluation sheets.