Widening the debate about conflict of interest: addressing relationships between journalists and the pharmaceutical industry

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ABSTRACT
The phone-hacking scandal that led to the closure of the News of the World newspaper in Britain has prompted international debate about media practices and regulation. It is timely to broaden the discussion about journalistic ethics and conduct to include consideration of the impact of media practices upon the population’s health. Many commercial organizations cultivate relationships with journalists and news organizations with the aim of influencing the content of health-related news and information communicated through the media. Given the significant influence of the media on the health of individuals and populations, we should be alert to the potential impact of industry-journalist relationships on health care, health policy and public health. The approach taken by the medical profession to its interactions with the pharmaceutical industry provides a useful model for management of industry influence.

Keywords
Journalism, mass media, pharmaceutical industry, conflict of interest, ethics, media regulation

INTRODUCTION: THE CONTEXT
The phone-hacking scandal that has engulfed News Corporation and led to the closure of its tabloid English newspaper, News of the World, has prompted international debate about the practices of journalists and media organisations, and has led to calls for more effective media regulation. Much of the public discussion has focused on issues of ethics, corporate governance and privacy concerns, and there has also been examination of the relationships between journalists/media organisations and influential figures in society, including politicians and senior police. In England, an inquiry led by a judge, Lord Justice Leveson, is examining media regulation as part of a broader inquiry, which will also consider relationships between News International executives and law-makers. In Australia, an inquiry into the media is due to report its findings in early 2012. Its terms of reference include: “Any related issues pertaining to the ability of the media to operate according to regulations and codes of practice, and in the public interest”. [1]

For those concerned with the impact of media coverage on health, this is a timely opportunity to broaden the discussion; and as part of this discussion we should be asking how relationships between journalists and commercial entities, such as pharmaceutical and device companies and associated experts, affect media coverage and thus influence health policy, professional practice and the decisions made by consumers.
THE NEED FOR A CRITIQUE OF INDUSTRY-JOURNALIST RELATIONSHIPS

In recent years, increasing attention has been paid to the scope and impact of conflicts of interest in health and medical research. The central concern is that interactions with industry can, and do, distort clinicians’ perceptions and fulfilment of their primary obligations to their patients; researchers’ primary obligation to generate knowledge; teachers’ primary obligations to their students; and policy makers’ primary obligations to the public.[2-4]

While journalists and media organisations have always been sensitive to the ethical dimensions of their relationships with their sources,[5] this attention has not been directed specifically towards health reporting or to the extent and impact of commercial sources of information on health reporting.

This is a significant lacuna for two reasons. First, journalists play a major role in shaping the public’s understanding of health, illness and disease, as well as expectations about therapies and services. Indeed, there is evidence that the impact of the media can exceed that of even high-budget government sponsored public health campaigns in shaping people’s health expectations and behaviour.[6, 7] Second, like clinicians, researchers, educators and policy-makers, journalists who write about health have a number of obligations to the public, including the obligation to inform, to provide independent critique, and to do so in a transparent and trustworthy manner. These roles—as well as trust in the media—can be undermined if journalists have, or are found to have, conflicts of interest. These conflicts of interest are likely to be particularly damaging if they involve industry, because industry’s primary obligation to its shareholders is likely to be at odds with journalists’ primary obligation to the public and to principles of journalism such as integrity, credibility and fairness.[8-10]

For both of these reasons, it is essential that journalists are able to maintain independence from their sources (especially commercial sources), and provide information about commercial products in a fair, objective and accurate manner.[8-10] To facilitate this, we need to understand the nature and scope of industry-journalist relationships and the ways in which industry influences can and do distort journalists’ reporting. We also need to devise a comprehensive set of practical strategies to manage industry-journalist relationships.

THE NATURE AND SCOPE OF INDUSTRY-JOURNALIST RELATIONSHIPS

While we do not know the extent of interactions between journalists and the pharmaceutical industry, we do know that the entanglements between them are many and varied. Pharmaceutical and biotechnology companies are well aware of the power of the news media to influence policymakers, consumers and health professionals, and they have a repertoire of strategies for interacting with journalists. They recognise that journalists need content and/or access to expertise, so they, or their public relations agents, provide press releases, video/audio news releases (VNRs), and other information about their products to assist journalists in writing about them, as well as access to medical and scientific experts.[9] Companies also interact with journalists more directly by means of ‘gifts’, by sponsoring travel to attend conferences and other events, by sponsoring journalists’ education and awards for health-related journalism, and by paying journalists to write stories for trade journals.[11]

To give just a few current examples, in the United States, an annual workshop on cancer for journalists, run by the National Press Foundation (NPF), is funded by Pfizer. Pfizer also funds an all-expenses-paid NPF program for journalists on Alzheimer’s disease.[12] Also in the United States, the University of North Carolina School of Journalism and Mass Communication endowed a Glaxo Wellcome Distinguished Professorship of Medical Journalism—Glaxo donating $330,000 to establish
the Chair, and the University contributing $167,000. While the Professorial appointment did not receive any funding directly from Glaxo Wellcome, the co-sponsorship of this Chair created the perception of ethically problematic entanglement.[11, 13] In Australia, the pharmaceutical industry peak body, Medicines Australia, is the principal sponsor of the National Press Club’s health journalism awards which aim “to create awareness of health, medicine and innovation issues and contributions to health science and innovation in Australia.”[14] And in Europe, GlaxoSmithKline funds the Irish medical media awards.[11]

THE PROBLEM WITH INDUSTRY-JOURNALIST RELATIONSHIPS

While there is little direct evidence of public harm resulting specifically from industry-journalist interactions, there are a number of reasons why we should be concerned about financial relationships between journalists and their industry sources. First, we know from other settings that industry influence can affect practice. In medicine, for example, there is significant empirical evidence that industry relationships affect physicians’ prescribing practices [15] and the reported results of industry-funded research.[16] Second, while the media often impart important health promotional messages, we know that health-related industries use the media to ‘medicalise’ health concerns (thus contributing to ‘disease mongering’);[17] increase consumer demand for unnecessary products; obscure the shortcomings or side-effects of products; and divert attention away from more pressing health concerns and more effective or less costly (particularly non-pharmacological) means of prevention or treatment.[7, 18]

We also know that journalists are becoming increasingly ‘time-poor’. News organisations do not always provide support to specialist medical and health reporters, and there are increasing financial constraints upon independent reporting due to (for example) cost-cutting by media outlets as a result of collapsing business models in conventional media, and intense competition from ‘alternative’ sources of news and information.[9, 19, 20] This might make journalists more reliant on their sources—including industry sources—for information about products, expert commentary, and prepared news releases.

Not surprisingly, therefore, efforts by pharmaceutical companies to influence journalists have been the subject of increasingly intense criticism among practicing journalists, media critics and academics with an interest in media ethics. Media-related ‘blogs’ are a key site of such criticism. The following comment about the Pfizer-funded workshops was, for example, published on the Knight Science Journalism Tracker Blog:[21]

"When the National Press Foundation says in its annual report that it is funded, in part, by "concerned corporations," it's right on the money. You can bet that Pfizer, Merck, and the others are concerned about what appears in the press! ... The National Press Foundation apparently feels strongly that the press should be totally independent of government of any kind—but not of corporations."

Critiques of industry-journalist relationships have also begun to emerge in the academic biomedical literature.[11, 13] Schwartz et al, for example, argued in a 2008 British Medical Journal article that such practices “raise disturbing questions about relations between industry and medical journalism, notwithstanding uncertainty about their extent or effect.” [11 p1203]

Concern about industry-journalist relationships is also evident in many journalism codes of practice. The Association of Health Care Journalists, for example, argue that journalists should “(r)efuse gifts, favours, and special treatment.” And “(p)reserve a dispassionate relationship with sources, avoiding conflicts of interest, real or perceived.”[22] The Association also notes that journalists are themselves expected to act as watchdogs for conflict of interest among other professionals, and:
“Investigate and report the possible links between researchers and private companies, researchers and public institutions, patient advocacy groups and their sponsors, celebrity spokespersons and their sponsors, non-profit health and professional organizations and their sponsors”.

This responsibility arguably makes it all the more important that journalists themselves should maintain their own independence from their sources.

WHAT SHOULD BE DONE ABOUT INDUSTRY-JOURNALIST RELATIONSHIPS?

In this context of aggressive corporate efforts to market products through the media, it could be argued that journalists should simply have no interactions with industry at all. But this ignores the fact that journalists need to interact with industry in order to inform the general public about commercial products and services.[18] Indeed, by providing accurate information about the potential benefits, harms and costs of products, journalists can help health consumers and health professionals to make informed decisions about healthcare and lifestyle. The aim of journalism should not be to exclude particular sources, or to avoid contact with interested groups. It should be to provide independent critical analysis of all sources, all claims and all interests—be they from industry or government, or the public or private sector.

The question is not, therefore, whether journalists should interact with industry at all (or even whether such interactions are demonstrably bad). The question is how to manage industry influence without compromising the capacity of journalists to fulfil their professional roles. While interactions between journalists and their industry sources should ideally not involve gifts or financial transactions of any kind, the reality is that such transactions are rife and need to be addressed in a systematic and principled manner.

We suggest that an examination of the approach taken to the identification and management of conflicts of interest in medicine provides some insights into strategies that might also have merit with regards to journalism. While medicine and journalism are fundamentally different activities, they are also alike in many ways. Like journalism, medicine is a virtuous profession that privileges independence, critical thinking and scepticism. And like journalism, medicine authoritatively shapes the construction of health and illness and the consumption of medicines and other health-related products and is thus a key target of the pharmaceutical industry. Medicine has also been forced to confront issues relating to its interactions with industry—including the failure of self-governance to prevent the proliferation of conflicts of interest and a loss of public trust. As a consequence, in recent years, a number of professional, legislative and regulatory strategies have been developed for managing the relationships between medical practitioners, medical researchers and industry. These include the mandatory requirements for declaration of conflict of interest in research, education and publication; conflict of interest registers in academic and health workplaces; restrictions on receipt of gifts, sponsorship and travel support from industry; and institutional guidelines relating to shareholding, educational sponsorship, participation on advisory panels, paid consultancies and so on. In addition, the pharmaceutical industry has been restricted by law and by industry code from certain types of interactions with the medical profession, with requirement for disclosure of sponsorship and prohibition of certain forms of promotion.[23]

These strategies have had some success. Clinicians, researchers and professional bodies are now more attentive to issues raised by relationships with private industry. Identifying and managing potential conflicts of interest has become a topic in medical education and continuing medical education. And it is now mandatory to disclose such conflicts in (for example) the research publication process. Patients and the broader community are also much more aware of these issues and these relationships have generally become more transparent.[2, 24]
Similar strategies to those used in medicine could be used to manage conflict of interest in journalism. In response to changes in the relationships between journalists and industry, codes of ethics could continue to be developed, requiring for example that journalists disclose financial or in-kind support relevant to each article or commentary piece. Transparency could also be formalised by, for example, establishing a publicly accessible register of relationships between industry and journalists, editors, media organisations and journalism organisations (including professional and educational bodies). But it may not be enough to focus only on transparency, as it is clear from other areas of professional practice that simply requiring disclosure is insufficient to change professional behaviour or prevent harm to the public.[4, 25, 26] Codes of conduct could, therefore, specify more clearly those journalist-industry relationships that are not acceptable (e.g. journalists reporting on products or services produced by companies in which they hold shares; or companies paying for the travel expenses of journalists’ families), as is the case with other professions such as medicine. The profession might also consider opposing industry-sponsored prizes and educational endowments as these kinds of entanglements, while not tied to a particular product, are designed to create positive associations and risk turning the profession of journalism into a public relations arm of industry. And education and certification programs could be developed for journalists who report upon health, which would emphasise the risks of actual and perceived conflicts of interest.

Currently, the profession of journalism relies primarily upon codes of practice and voluntary self-regulation.[e.g. 22] While the desire for self-governance is a mark of all professions, and the development of codes of ethics/practice is crucial, there is no evidence in any profession that codes of practice are sufficient to prevent unethical behaviour and they can only ever provide the public with limited reassurance that their interests are being respected.[4, 26, 27] Indeed, in the context of journalism, it is obvious that potentially harmful industry-journalist interactions are proliferating despite professional self-governance and the elaboration of professional codes of ethics. For this reason, while we agree with Schwartz et al. that journalists, educators and professional associations need “to scrutinise their own relationships with the industry as intensely as they do those between doctors and drug companies and to develop workable solutions”[11 p1203]—we feel that this is unlikely to be sufficient.

For this reason, where countries regulate journalism, the above strategies could be mandated by law, with substantial fines for those who fail to comply (this would, of course, be difficult in the United States where the First Amendment to the US Constitution expressly protects the freedom of the press). In this regard, it is noteworthy that some countries have already instituted regulations of the kinds described above. In Portugal, for example, the state media regulatory body plays a major role in regulating journalistic activity. The law both promotes journalists’ freedom of expression and information (including the right to access and protect news sources) and makes demands of journalists (including demands for transparency about financing and property). It is also interesting to note that, despite the prominence of state media regulation in Portugal, professional self-regulation and citizens’ participation are seen as crucial to ensure that journalism fulfils its positive social functions and does not cause harm.[28]

We do not wish to argue that all financial transactions should be discouraged by the profession, (and/or prohibited by law), as a matter of course. It could, for example, be possible to design processes for industry sponsorship where funds are not tied to a particular company or product (for example, by requiring de-identified grants to a centrally pooled educational fund). The important thing is that we have a comprehensive, nuanced, realistic and critical approach to managing relationships between industry and journalists. These issues could be addressed as part of broader-ranging examinations of media practices and pharmaceutical industry regulation.

Disentangling health-related journalism from its industry sources would be important not only for the profession of journalism, but also for the public (which, as discussed above, depends upon the news media for much of its health-related information) and for health professionals, who have an interest in their patients being informed participants in their own care and are obliged to
respond to misunderstandings that may result from the ways in which the media reports health-related matters.

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