

Is Coca-Cola's Corporate Citizenship The Real Thing? A New Study Casts More Aspersions Than Light



By Chuck Dinerstein, MD, MBA — May 7, 2019



Image by Ernesto Barrachina from Pixabay [1]

A new paper in the *Journal of Public Health Policy* raises the concern that despite ever-tightening disclaimers of conflicts of interest (COI) in scientific research, unwarranted influence may be hidden in funding. The measures in question are corporate disclosure of their science funding and the explicitly described rules of their relationship to the research and researchers; the corporation being considered, Coca-Cola. The question asked

“are these measures sufficient to disclose the potentially complex nature of these relationships and associated contractual obligations?”

Why Coca-Cola?

First, this corporation has been a strong advocate for corporate transparency in research funding, and since 2016 has prominently described and communicated their funding relationships:

- Leaving researchers in “full control of the study design, the execution and the collection, analysis and interpretation of the data”
- Encouraging publication, with the expectation that their funding will be disclosed.
- That Coca Cola did not “have the right to prevent the publication of research results” and that funding was not “conditioned on the outcome of the research.”

Second, the authors, including Gary Ruskin of US Right to Know (USRTK) [1], have made a small cottage industry reporting on Coca-Cola's corporate behavior. The dataset consists of responses to 129 freedom of information requests to public bodies, including academics in five countries. The academic centers were those governed by FOI laws or with known funding from Coca Cola. Their application yielded 87,000 pages of documents, but five research agreements provide the grist for the study's results. As the authors note and I would emphasize, the data is not comprehensive, the sample size of research agreements far too small, and all the contracts were made before Coca Cola's 2016 statements and actions on research transparency and control.

The Findings – The words are theirs, the bold italics mine, placed for emphasis

Here is the crux of their concern, captured in those five contracts

- “Several agreements reveal that the company maintains the right to receive and comment on research prior to submission for publication. However, the researchers may reject these changes. Thus, the company can influence but not direct the research output, but may use termination provisions as a mechanism to discontinue research. ... Such provisions could, hypothetically, allow Coca-Cola to quash studies progressing unfavourably, or allow Coca-Cola to pressure researchers using the threat of termination. **However, we found no evidence that this has occurred in our FOI batches.**”
- “...in some cases such early termination provisions are justifiable; for example, when there is improper behaviour like harassment or bullying, a failure to deliver work in accord with the contract or the other such examples, which tend to be given as reasons for termination. .. the contractual terms for early termination without reasons are arguably beyond the legal scope needed to address such justifiable concerns, although they are **not uncommon in commercial agreements** generally, and **there is no evidence of their use in our batch.**”
- Our research confirms that Coca-Cola encourages researchers to publish in peer-reviewed publications and generally only retains limited rights to delay publication to protect its proprietary interests or to obtain a patent. ... **there is no general right to control publication of results unfavourable to Coca-Cola's commercial interests...** Retention of a capacity to delay publication is **consonant with ordinary industry-funded research provisions**, but in public health research, it may delay significant findings from reaching the public. ... Thus, while Coca-Cola cannot stop publication, termination provisions **could allow** it to prevent publication through termination and recall of documents...”

There it is, the smoking gun of corporate malfeasance! A contract written and negotiated by corporate and academic institutional attorneys could allow, in the author's legal interpretation, corporate influence. They found no evidence of that influence, but it might happen, maybe. In their words,

“Coca-Cola does not make funding conditioned on the outcome of the Research ... while we found no direct conditions pertaining to outcomes of the research, the effect of permissive termination provisions and recall of data provisions could indirectly have a ‘chilling effect’ on researcher’s work, influencing what researchers conclude. Past research has revealed that researchers do strive to maintain positive relations with Coca-Cola and produce results favourable to them.[20] [2]”

In the cited reference, a self-referencing previous analysis of a FOI request by three of the current authors, “...email exchanges **appear to convey** evidence of Coca-Cola’s exercise of ‘soft power’, whereby the researchers consistently sought to ensure the funders were satisfied and sought their guidance on choices of study design, framing and public presentation of study findings.

It is not possible, using documentary analysis, to identify the third face of power, manipulation...”

"Appear to convey" is an opinion and it wasn't Coca-Cola exercising 'soft-power' it was the researchers seeking guidance and making sure their patron was satisfied. But again, there was no evidence of manipulation, let alone evidence of intent.

The Conclusions

- “The termination provisions in **some of the agreements** that allow Coca-Cola to discontinue the studies it funds if results are unfavourable, in contrast to the assurances it makes on its website about not being able to prevent publication, should be cause of concern.”

Some, is not a number, how many agreements did they identify, what is the denominator for the 5 cases in their review, how many were contained in the FOI request? Of course, all of the contracts were executed before Coca Cola issued its website assurances in 2016.

- “We observed **push-back by researchers receiving unrestricted grants regarding restrictive provisions**, revealing that the researchers were aware that there could be a problem. **Coca-Cola was receptive to requested revision**, but this may be due to the ongoing relationship the Company had with this particular researcher.”

Is it just me, or does Coca-Cola not get any breaks here; even when they accede to contractual changes, it might be due to “ongoing” relationships.

The researchers recommend including the research contracts in a study’s supplemental materials to provide even greater transparency, but much of their concern over soft-power lies in the communications between the researchers, the funding source and research administrators, should that be published as well? Who will actually read this material, certainly not the journalists reporting studies on the nightly news or feed, nor will policymakers who more often preferred their science as an executive summary.

And one last thought, well really a correction, USRTK attempts to allay fears of conflict of interest by listing its major funding sources in the study's COI section. Perhaps it should be updated to reflect their [webpage](#) [3]. They left out the Schmidt Family Foundation, and their reported tally is roughly a half-million dollar \$509,800 less than that found on their webpage. Is there something they are hiding or suppressing? The intent is often difficult to determine, for USRTK's lapses as well as those of industry.

[1] Mr. Ruskin supplied the data obtained from USRTK Freedom of Information requests and helped write and revise the manuscript.

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Links

[1] <https://pixabay.com/illustrations/tail-soft-drink-mockup-coca-cola-2974358/>

[2] <https://link.springer.com/article/10.1057%2Fs41271-017-0095-7>

[3] <https://usrtk.org/donors/>