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Taxation and Other Economic Incentives as Health-Promoting Tools: A Focus on Tobacco, Alcohol and Unhealthy Diets

17th January 2017
University of Liverpool London Campus
33 Finsbury Square, London, EC2A 1AG



LAW & NCD UNIT
UNIVERSITY OF LIVERPOOL

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‘Taxation and Other Economic Incentives as Health-Promoting Tools: A Focus on Tobacco, Alcohol and Unhealthy Diets’

Governments across the world increasingly recognise the urgency of lowering the alarming rates of non-communicable diseases (NCDs) resulting in large part from the consumption of commodities such as tobacco, alcoholic beverages and unhealthy foods. As evidence shows price is a major determinant of consumption choices, and taxation and other economic measures may act as a disincentive to the consumption of these commodities, policy makers have started to use these instruments as part of their NCD prevention strategies.

Tax measures on tobacco products and alcoholic beverages have been used for years to raise revenue. It is only more recently that they have been presented as public health measures. Most notably, the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) explicitly acknowledges that “price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons”, and calls on State Parties to adopt price policies on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption. Similarly, the WHO Global Strategy to reduce the harmful use of alcohol states that “pricing policies can be used to reduce underage drinking, to halt progression towards drinking large volumes of alcohol and/or episodes of heavy drinking, and to influence consumers’ preferences. Increasing the price of alcoholic beverages is one of the most effective interventions to reduce harmful use of alcohol”. Tobacco and alcohol taxation are considered as two of the WHO’s NCD prevention “best-buys” – providing significant health benefits at a relatively low cost for governments. They have been widely adopted across the world, sometimes in connection with other measures such as minimum unit pricing.

More recently, food taxes have also appeared on the public health agenda. As the access to, and in particular the affordability of, healthy foods is a major and recurring concern, a growing number of governments are exploring the use of taxation and price incentives to alter consumption patterns. A 2016 report devoted to “Using price policies to promote healthier diets” by the European Regional Office of the WHO concluded that price policies have the potential to influence consumer purchasing in the desired direction. Moreover, the UK Government has recently announced to enact a soda tax, whilst the Scottish Government is defending its recent legislation mandating minimum unit pricing of alcoholic beverages before law courts.



It is against this backdrop that this conference will focus on the role that taxation and other price measures can play in NCD prevention strategies – in particular by increasing the price of commodities such as tobacco, alcoholic beverages and unhealthy foods. It proposes to adopt an interdisciplinary – and where possible transdisciplinary – viewpoint, and we would particularly welcome contributions by lawyers, economists, public health experts, psychologists... We would also welcome contributions focusing on specific case studies – looking at the experience gathered in countries that have recently experimented – or are thinking of experimenting – with minimum unit pricing and/or food taxes.

The conference will address the following questions:

- What is the evidence base supporting tax and economic incentives as part of NCD prevention strategies? In particular, what is the importance of price in influencing consumer choices? (Evidence)
- How can / should price be affected to limit the consumption of tobacco, alcoholic beverages and unhealthy food? (Effectiveness)
- What are the respective advantages or disadvantages of taxation and minimum pricing measures? (Cost effectiveness)
- What do we know of the contribution which existing price-related measures have made (or are likely to make) to NCD prevention? (Empirical analysis)
- How should price measures – if adopted – be designed to be as effective as possible? (Design)
- When will a price measure be considered incompatible with international economic law – and international trade law and European Union internal market law more specifically? (Legality)



Programme

8.45-9.15 **Coffee and registration**

9.15-9.20 **Welcome and introduction**

Professor Amandine Garde, University of Liverpool

Professor Alberto Alemanno, HEC Paris

9.20-9.30 **Opening address**

Minister Marcella Corcoran Kennedy, Irish Department of Health

SESSION 1:

THE RELATIONSHIP BETWEEN PRICE-BASED MECHANISMS AND NCD PREVENTION: AN INTRODUCTION

9.30-9.40 **Introduction by the Chair**

Professor Ian Gilmore, University of Liverpool

9.40-10.00 **Price, marketing strategies and NCD prevention**

Professor Gerard Hastings, Stirling University

10.00-10.20 **Price measures and the economics of NCD prevention**

Professor Franco Sassi, OECD and Imperial College London

10.20-10.35 **Discussion**

10.35-10.55 **The legality of price-based regulatory interventions**

Professor Alberto Alemanno, HEC Paris

Professor Amandine Garde, University of Liverpool

10.55-11.15 **Industry practices to counter price-based regulatory interventions**

Professor Simon Capewell, University of Liverpool

11.15-11.30 **Discussion**

11.30-11.45 **Coffee break**

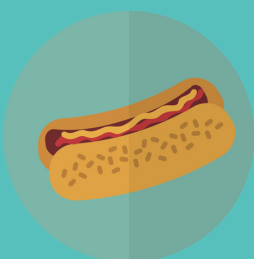


Programme

SESSION 2

MINIMUM UNIT PRICING AND OTHER PRICE-BASED MEASURES INTENDED TO LOWER ALCOHOL CONSUMPTION

- 11.45-11.55** **Introduction by the Chair**
Dr Yiannos Toliaas, European Commission
- 11.55-12.05** **Alcohol pricing policies in Europe**
Dr Lars Møller, World Health Organization
- 12.05-12.20** **A historical perspective on alcohol pricing interventions**
Dr Henry Yeomans, University of Leeds
- 12.20-12.35** **The Alcohol Minimum Pricing (Scotland) Act 2012**
Dr Arianna Andreangeli, University of Edinburgh
- 12.35-12.55** **The CJEU's pricing case law: the changing role of evidence in the proportionality analysis**
Oliver Bartlett, University of Liverpool
Angus MacCulloch, University of Lancaster
- 12.55-13.15** **Discussion**
- 13.15-14.00** **Lunch break**



Programme

SESSION 3

TAXATION AND UNHEALTHY DIETS: THE ADOPTION OF 'SODA TAXES'

- 14.00-14.15** **Introduction by the Chair**
Jo Jewell, World Health Organization
- 14.15-14.30:** **Changing the price of sugar-sweetened beverages: what is the effect on the demand for drinks and snacks more widely in the UK?**
Diana Quirmbach et al, London School of Hygiene and Tropical Medicine
- 14.30-14.45** **Impact on non-alcoholic beverage sales of a 10 pence levy on sugar-sweetened beverages within a national chain of restaurants in the UK: interrupted time-series analysis**
Professor Laura Cornelsen et al, London School of Hygiene and Tropical Medicine
- 14.45-15.00** **Price measurement and the incidence of behavioural taxes: empirical evidence using scanner data (France)**
Professor Fabrice Etilé et al, Paris School of Economics and INRA
- 15.00-15.20** **Discussion**
- 15.20-15.45** **Coffee break**
- 15.45-16.00** **Taxing soda for public health: a multidimensional perspective to support decision-making (Canada)**
Yann Le Bodo et al, University of Laval
- 16.00-16.15** **Conditions influencing the adoption of a soda tax: analysis of the French case**
Yann Le Bodo, University of Laval
Professor Fabrice Etilé, Paris School of Economics and INRA
- 16.15-16.45** **Discussion**
- 16.45-17.15** **Conclusion**



Speakers



Professor Alberto Alemanno is Jean Monnet Professor of Law at Ecole des Hautes Etudes Commerciales (HEC) Paris and Global Clinical Professor at New York University School of Law. Alberto's research has been centered on the role of - and need for - evidence and public input in domestic and supranational policymaking. In particular, he has been focusing on and promoting the study of the emerging law and policy of risk regulation in both the EU and the WTO legal orders. He has explored, in particular, the use of scientific evidence and behavioural research - as drawn from psychology, cognitive sciences and economics - in regulatory decision-making and in the judicial review of science-based measures by courts. At present, he is working on the legal implications and potential contribution of behavioural research in policymaking across policy areas. Due to his commitment to bridge the gap between academic research and policy action, he regularly provides advice to a variety of NGOs and governments across the world as well as international organizations, such as the the European Commission, the European Parliament, the Organisation for Economic Cooperation and Development, the World Health Organisation, on various aspects of European Union law, international regulatory cooperation, international trade and global health law as well as evidence-based policymaking. Originally from Italy, Alemanno is a graduate of the College of Europe and Harvard Law School. He holds a PhD in International Law and Economics from Bocconi University. Prior to entering academia full-time, he clerked at the Court of Justice of the European Union, worked as a Teaching Assistant at the College of Europe in Bruges and qualified as an attorney at law in New York. He is the founder and editor of the European Journal of Risk Regulation and the co-founder of TheGoodLobby, an innovative skill-based matching organization connecting people with expertise and knowledge with civil society organizations that need them. He established the Summer Academy in Global Food Law & Policy in 2008. Today it has become the leading training programme for professionals, policymakers and scholars committed to a more sustainable and fairer food supply chain. Alberto Alemanno was appointed Young Global Leader by the World Economic Forum in 2015.



Dr Arianna Andreangeli is the Lecturer in Competition law at Edinburgh Law School, University of Edinburgh. Her research interests lie in the area of EU and domestic competition law: she has written widely on questions of due process and human rights' protection in the context of competition enforcement (EU Competition enforcement and human rights, 2008: Cheltenham, E Elgar) and on the role of the EU competition rules in innovative markets; she has also published a monograph examining the issues arising from the collective litigation of competition cases in the EU and US (Private enforcement of Antitrust, 2014: Cheltenham, E Elgar). Her current work focuses on the interplay between free markets and public health: she is currently examining the possible legal justifications for restricting competition in healthcare services' provision in the public interest and for disciplining markets for products whose trade has public health implications, such as alcohol.



Oliver Bartlett is a lecturer in law at the University of Liverpool. He researches on public health governance and the theory and ethics of public health law, with a specific interest in the role of law in the prevention of addiction. Oliver began his research at Durham University, where he completed an MJur on the regulation of alcohol advertising by the EU. His PhD research went on to investigate how law can be used as part of a holistic, horizontal and multilevel approach to combatting addiction. His thesis (to be completed shortly) presents justifications for the use of legal interventions in addiction governance, analyses current addiction governance at national and European level, and explores the feasibility and desirability of developing an EU Strategy on Addiction. Oliver's planned future research will investigate justiciability mechanisms for the right to health, analysing the application of paternalism theories to the use of law and NCD prevention, and further exploring the role of law in the governance of complex social and health problems.



Speakers



Yann Le Bodo is a project manager at the Evaluation Platform on Obesity Prevention (EPOP) set-up by Laval University (Université Laval) and the Quebec Heart and Lung Institute. He is in charge of research projects in the area of healthy eating and physical activity policies. He is also a Ph.D. student in community health at Laval University (Université Laval)'s Faculties of Medicine and Nursing. An important part of his research has focused on sugar-sweetened beverage taxation in Canada. Before joining the EPOP, Yann worked as a project manager in health education at community level in France (2007), and as European and international coordinator of the EPODE childhood obesity prevention network (2008–2011). He holds a M.Sc. in food innovation from Angers School of Agriculture (France, 2005) and a M.Sc. in diet-related social sciences from Toulouse II University (France, 2006). He is co-author of several peer-reviewed publications, as well as co-editor and co-author of the books “Preventing childhood obesity: EPODE European Network recommendations” (Lavoisier 2011), “L’Expérience québécoise en promotion des saines habitudes de vie et en prévention de l’obésité: comment faire mieux?” (Presses de l’Université Laval 2016) and “Taxing soda for public health: a Canadian perspective” (Springer 2016).



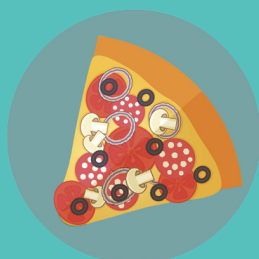
Professor Simon Capewell trained in general, respiratory and cardiovascular medicine in Newcastle, Cardiff, and Oxford, then in public health in Edinburgh and Glasgow. He was appointed as the first Professor of Clinical Epidemiology in the University of Liverpool in 1999. Simon manages a research programme mainly involving cardiovascular disease (CVD) and food policy, with well over three hundred peer-reviewed papers, many in top journals, and funding thus far totalling over £25 million. He enjoys facilitating multidisciplinary research teams, mentoring colleagues and writing papers and grant applications. His recent research includes programmes funded by MRC, NIH, NIHR, EU & BHF examining: why CVD death rates have recently plummeted in the USA, UK, Poland & elsewhere, and why CVD rates are increasing in China and many other developing countries; and the development of effective and cost-saving CVD prevention strategies in high, middle and low income countries (majoring on healthy food policies, and using quantitative modelling, policy analyses and empirical evidence). Simon is Vice President (Policy) for the UK Faculty of Public Health and previous President of the Society for Social Medicine. He is also a Trustee for the FPH, for the UK Health Forum, and for Heart of Mersey regional CVD prevention charity. He enjoys contributing to policy development and service work. He has recently chaired/participated in a dozen national/international policy and prevention committees, including Academy of Medical Royal Colleges (Obesity), American Heart Association, Obesity Health Alliance, British Heart Foundation, NICE (CVD prevention), UK FPH, European Society of Cardiology and WHO.



Marcella Corcoran Kennedy TD was appointed Minister of State for Health Promotion in May 2016. She was first elected to Dail Eireann in the 2011 General Election. Marcella is a former member of Offaly County Council, serving from 1999- 2009. She was appointed by an Taoiseach Chairperson of the Oireachtas Committee on Jobs, Enterprise and Innovation on July 22, 2014. She is also a member of the CCS temporary chair panel. Marcella is also a chairperson of the board of BTACC. A chairperson of 'OFFLine' film festival in Birr, Co. Offaly and is a founding member of 'Film Offaly'. She is also a member of the board of Laois and Offaly transport and coordination unit (TCU). Mother to two children, Marcella enjoys going to the theatre, among her favourite playwrights are John B. Keane, Marina Carr and Jimmy Keary. She is also a fan of the television series; The Good Wife, House of Cards and Modern Family.



Professor Laura Cornelsen is an Assistant Professor and MRC Early Career Research Fellow in Health Economics at the London School of Hygiene and Tropical Medicine. She has a MSc in Health Economics from the University of York and completed her PhD studies in Economics at Trinity College Dublin where she analysed economic aspects of tobacco control policies. Her current research focuses on intersections of food economics and public health. More specifically, she analyses how food prices and other drivers of food demand affect food consumption; and the potential impact of public health policies targeted at improving diets and diet related health, such as taxes on unhealthy foods and subsidies on healthy foods.



Speakers



Professor Fabrice Etilé is INRA Research Professor at the Paris School of Economics since 2015. In 2013-2014, he was a visiting professor at the Centre for Health Economics of Monash University (Australia). Between 2001 and 2013, he was a research fellow at the research unit “Alimentation Sciences Sociales” of the French National Institute for Agronomic Research (INRA). He received his habilitation thesis from the Ecoles des Hautes Etudes en Sciences Sociales in 2013, a Ph.D. in Economics from the University Paris-1 in 2000, and graduated as an engineer in 1996. His research interests span a number of issues related to health behaviours, consumption and public policies. Much of his work has been on improving the understanding of risky behaviours, through applied econometric studies on panel data or scanner data. In the food domain, he has specifically worked on identifying the heterogeneity of consumer price reactions. He has also published in 2013 a monography (in French) “Obésité, Santé Publique et Populisme Alimentaire”, which argues that nutritional policies should focus less on the demand side of food markets and more on the supply side. He has recently become a member of the Conseil National de l’Alimentation (National Food Council), which serves as an advisory body on food and agricultural issues for the French government.



Professor Amandine Garde is Professor of Law at the University of Liverpool in the UK. Her research interests lie in the fields of Trade, Consumer, Advertising, European Union and Public Health Law. In particular, she has developed an expertise in the legal aspects of obesity prevention and other non-communicable diseases (NCD) risk factors. Her book EU Law and Obesity Prevention (Kluwer Law International, 2010) is the first to offer a critical analysis of the EU’s Obesity Prevention Strategy, and she is co-editor (with Alberto Alemanno) of Regulating Lifestyle Risks: the EU, Alcohol, Tobacco and Unhealthy Diets (Cambridge University Press, 2015). She is the author of many articles and policy reports on food marketing to children and obesity prevention, and she has developed training courses on the role of legal instruments in the prevention of NCDs. She was a member of the Ad Hoc Working Group on Science and Evidence to the WHO Commission on Ending Childhood Obesity. She regularly advises international organisations, NGOs and governments worldwide. She is the founder and director of the new Law & NCD Research Unit at the University of Liverpool. Before moving to Liverpool, she lectured at King’s College London (where she obtained her PhD), at the Faculty of Law in Cambridge (where she was also a Fellow of Selwyn College), at the University of Exeter and at the University of Durham. She spent a year as a postdoctoral fellow at the European University Institute in Florence in 2005-2006 and is also a qualified solicitor.



Professor Ian Gilmore is an honorary consultant physician at the Royal Liverpool University Hospital and holds an honorary chair at the University of Liverpool. After training in Cambridge, London and the USA, he moved to Liverpool as a consultant physician and gastroenterologist with particular interest in liver disease in 1980. He is a past-president of the Royal College of Physicians (RCP) and the British Society of Gastroenterology, and is chairman of Liverpool Health Partners, created to promote an Academic Health Science System in the city. He chairs the UK Alcohol Health Alliance, is President of Alcohol Concern and is a member of the Climate and Health Council. He is a deputy Lord-Lieutenant of Merseyside.



Speakers



Professor Gerard Hastings is Professor of Social Marketing at Stirling University, the Open University and L'École des Hautes Etudes en Santé Publique, Rennes. His academic career has focused on researching the impact of marketing on society – both for good and ill. This has involved him in advising Government and working with policy makers and civil society nationally and internationally. He has also acted as an expert witness in litigation against the tobacco industry. He was awarded the OBE for services to health care in 2009. In 2014, he was appointed as an expert member on the WHO Ad Hoc Working Group on Science and Evidence for ending childhood obesity and joined the British Medical Association Board of Science. He also accepted the Queen's Anniversary Prize for Higher and Further Education on behalf of the University of Stirling for the ground-breaking critical marketing research conducted by the Institute for Social Marketing.



Jo Jewell is Technical Officer for Nutrition, Physical Activity and Obesity at the WHO Regional Office for Europe, where he has worked since 2014. His previous experience includes roles as Policy and Public Affairs Manager at World Cancer Research Fund International, based in London, and as Policy Coordinator at the European Public Health Alliance in Brussels. He has a background in European politics and has a Masters from the London School of Hygiene and Tropical Medicine and the London School of Economics in Health Policy, Planning, and Financing. His experience and publications mainly relate to nutrition policy and surveillance, including a focus on food marketing to children, the use of price policies, nutrition labelling, food composition and product reformulation.



Angus MacCulloch first graduated with an LL.B. (Hons) from the University of Dundee (1992), before going on to undertake LL.M. (European Law) at the University of Strathclyde (1994) and an M.Phil. at the University of Manchester (1997). From 1996 he was a Lecturer at the University of Manchester, joining Lancaster University Law School, as Senior Lecturer, in September 2006. His research interests lie primarily in Competition Law and EU Law, particularly antitrust and free movement issues, but he retains a wider interest in Regulation, White Collar Crime, and IP. The majority of his recent work focuses on the impact of the introduction of the UK's cartel offence and the wider global move towards the criminalisation of cartel activity, and the lawfulness of the Minimum Unit Pricing for alcohol under EU Law.



Dr Lars Møller Medical doctor from University of Copenhagen with a medical specialization of Public Health Medicine. Has a Doctoral Degree from the University of Copenhagen. Since 2001 he has been working for the World Health Organization and is the Programme Manager for the Alcohol and Illicit Drugs Programme.



Speakers



Professor Franco Sassi holds a Chair in International Health Policy and Economics. Currently, he is also a Senior Health Economist at the Organisation for Economic Co-operation and Development (OECD, Paris), where he developed and was responsible for the Organisation's Public Health Programme. His work has been aimed at assessing the impacts of public policies to tackle major chronic diseases and their predisposing risk factors, including poor nutrition, physical inactivity, alcohol and tobacco use, and a range of environmental and social exposures. He is the author and editor of a large number of publications on economic aspects of public health, including the books "Obesity and the economics of prevention: Fit not fat", in 2010, and "Tackling harmful alcohol use: Economics and public health policy" in 2015.

Prior to joining the OECD, Franco was a senior lecturer in health policy at the London School of Economics and Political Science (LSE), and director of the graduate programme in Health Policy, Planning and Financing. Franco obtained his doctorate in health economics from the University of London. The overarching theme of his research and publications has been the evaluation of health interventions. He held an adjunct professor position at the Université de Montréal, as well as visiting positions at a number of universities in the United States, including University of California at Berkeley, Harvard University, University of California at San Francisco, and Duke University, and at the Catholic University of Rome. He was awarded a 2000-01 Harkness Fellowship in Health Care Policy by the Commonwealth Fund.



Dr Yiannos Tolias is a lawyer in the European Commission, Directorate General for Internal Market, Industry, Entrepreneurship and SMEs, Unit on Single Market Policy, Mutual Recognition and Surveillance. He is a member of the team that initiates infringement actions under Articles 34-36 TFEU, examines notifications under Directive 2015/1535 and negotiates international trade Agreements and Treaties. Prior to joining the European Commission he has been a lecturer of EU law at the Universities of Edinburgh and Dundee; he has graduated with a Ph.D. in EU law from the University of Edinburgh and was a post-doctoral research fellow at the Institute for Advanced Studies in Humanities at the University of Edinburgh.

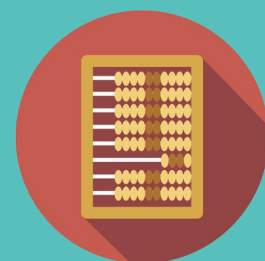


Diana Quirnbach is a Research Fellow in Health Economics at the London School of Hygiene and Tropical Medicine. Her current work focuses on the direct and indirect impacts of diet-related policies on food and beverage consumption in the UK.



Dr Henry Yeomans is Lecturer in Criminology and Criminal Justice at the University of Leeds. His broad research interests encompass alcohol, behavioural regulation and historical criminology. More specifically, he has undertaken research which seeks to inform contemporary debates by looking at how and why various forms of alcohol regulation have developed across modern history. This has involved the study of topics such as licensing law, official advice on moderate drinking and impact of the Victorian temperance movement. Most recently, he has been engaged in recent research which looks at how contemporary practices of alcohol taxation have developed through time in England and Wales. His recent publications include the monograph Alcohol and Moral Regulation (published by Policy Press in 2014) as

well as articles in the International Journal of Drug Policy, Sociology and The Sociological Review. He was awarded the Socio-Legal Studies Association's Socio-Legal Theory and History Prize in 2015 as well as the Sage Prize for Innovation and Excellence in 2012.



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Attendance

Attendance at this conference is free.
If you are interested in attending,
please email Professor Amandine Garde:
amandine.garde@liv.ac.uk

LIFE CHANGING
World Shaping



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