Views of health journalists, industry employees and news consumers about disclosure and regulation of industry-journalist relationships: An empirical ethical study

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Abstract

Bioethicists and policymakers are increasingly concerned about the effects on health journalism of relationships between journalists and private corporations. The concern is that relationships between journalists and manufacturers of medicines, medical devices, complementary medicines, and food can and do distort health reporting. This is a problem because health news is known to have a major impact on the public's health-related expectations and behaviour. Commentators have proposed two related approaches to protecting the public from potential harms arising from industry-journalist interactions: greater transparency and external regulation. To date, few empirical studies have examined stakeholders' views of industry-journalist relationships and how these should be managed. We conducted interviews with 13 journalists and 12 industry employees, and two focus groups with consumers. Our findings, which are synthesised here, provide empirical support for the need for greater transparency and regulation of industry-journalist relationships. Our findings also highlight several likely barriers to instituting such measures, which will need to be overcome if transparency and regulation are to be accepted by stakeholder and have their intended effect on both the quality of journalism and the actions of news consumers.

BACKGROUND AND RATIONALE

The news media play a major role in shaping the public's understanding of health, illness and disease, and attitudes to health promotion, disease prevention and medical treatment. Indeed, there is evidence that health news can be even more influential than public health campaigns in shaping the public's health-related expectations and behaviour.[1, 2] It is essential, therefore, that health-related news reporting is of high quality.

As has been discussed previously in this journal and elsewhere, much attention has focused recently on the potential impact on the quality of journalism of relationships between journalists and their sources, including health-related industries, such as the pharmaceutical industry and manufacturers of medical devices, complementary medicines, and food.[3-5].

These concerns have arisen because private corporations have become increasingly alert to the influence of news reporting, and now routinely seek to influence reports about their goods and services by providing press releases, video/audio news releases, and other information about their products to "help" journalists, and by facilitating access to medical and scientific experts who

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endorse their products.[4] Companies also interact with journalists more directly by sponsoring education, travel to conferences and awards for health-related journalism, by paying journalists to write stories for trade journals, and by offering gifts.[4]

The concern about such interactions is that relationships between companies and journalists may impact negatively upon journalistic principles such as integrity and fairness, may turn media outlets into little more than mouthpieces for industry, and may ultimately distort the public record and compromise the public interest.[3-6]

Commentators have proposed a number of approaches to protecting the public from potential harms arising from industry-journalist interactions.[3-5] One is for journalists to aim for greater transparency by disclosing their interactions with industry in news stories. Another is to establish a public register of relationships between industry and journalists, editors, media organisations and journalism organisations. The latter amounts to external regulation of journalist-industry relationships, and such regulation might also proscribe certain kinds of interactions between journalists and companies, such as journalists reporting on products or services of companies in which they hold shares, or companies paying for the travel expenses of journalists' families.

While approaches of this kind have had some success in other professional settings, such as regulating relationships between doctors and the pharmaceutical industry,[7, 8] they have their limitations. For example, it is known from medicine and other settings that mandating disclosure of competing interests is insufficient to change professional behaviour or prevent harm to the public.[9] Indeed, transparency can backfire by discouraging good behaviour (i.e. it is assumed that "anything goes" so long as it is disclosed), by discouraging further critique of those who have disclosed information, and by creating "noise" that may distract from genuinely problematic conflicts of interest.[9-12]

The impacts of external regulation on professional behaviour are similarly complicated. We know from other professional settings that when professional groups feel their work is being governed or "bureaucratised" or that their status and/or respect is being called into question, they tend to resist by refusing to comply with authority, or by simply following the "letter" of the law.[13-15] Given the importance that is widely attached to "freedom of the press", it is likely that journalists would react defensively against attempts to control their interactions with industry. This attitude was evident in the reaction of many journalists to calls for greater regulation of the media in the face of the recent "News of the World" phone tapping scandal.[e.g. 16]

None of these limitations necessarily undermine the need for greater transparency and/or external control of journalist-industry relationships. But it does suggest that the views of stakeholders (in this case journalists, health-related industry and news consumers) need to be understood, and any difference of opinion addressed, before such measures can be implemented.

To date, few empirical studies have examined stakeholders' views of industry-journalist relationships and how these should be managed. We report here the findings of a qualitative study that recruited a sample of journalists, consumers and industry representatives in order to examine and compare their experiences, attitudes, concerns and opinions about corporate influences on media reporting on health, and how these should be managed.

METHODS

In 2011 and 2012, we conducted one-on-one interviews with a purposive sample of 13 journalists. The sample included both specialist and generalist journalists who worked in both television and print media, for both commercial and non-commercial stations/publications. Four were "expert-journalists" (i.e. medical doctors or nutritionists who also write or present health-related news). We also conducted interviews with 12 employees of health-related industries (food, alcohol, pharmaceutical, medical devices and diagnostics and complementary and alternative medicines). Thirteen journalists agreed to be interviewed, and three declined to participate in the study. Of the 32 industry employees we approached with requests for interview, 13 did not respond (8 from health-related companies, 3 from industry associations and 1 from a public relations company), 2 refused (1 from a health-related company, 1 from an industry association), 5 referred us on to a colleague (3 from a health-related company, 2 from an industry association) and 12 agreed to be interviewed. Journalist and industry participants were initially recruited using the contacts of the research team—which deliberately included people who have extensive contacts in journalism and health-related industry in order to ensure maximum variation. Additional participants were recruited using snowball sampling. In June 2012, we conducted four focus groups with 14 lay news consumers who were recruited using newspaper advertisements and stratified by age. Participants were first contacted by email or phone and were then sent a participant information sheet and consent form to sign prior to the interview or focus group.

Interviews and focus groups were semi-structured. All journalists, industry and consumer participants were asked about their personal experiences as producers of, contributors to, or consumers of health news, and about their views on industry-journalist relationships and how these should be managed (See **Appendix A** – interview schedules)

Interviews and focus groups were digitally recorded, transcribed, and de-identified. Two researchers independently conducted line-by-line coding of interview transcripts and defined key themes that emerged from the data. This initial inductive phase of data analysis enabled the material to be synthesised into a number of categories. Once these categories had been identified the researchers independently recoded the transcripts using these categories and then compared and contrasted the data in each category in order to identify more abstract "analytic categories". This approach was consistent with Morse's outline of the cognitive basis of qualitative research[17] and Charmaz's outline of data analysis in grounded theory.[18] Once the two researchers had completed this process, their observations and interpretations were compared. There were no major areas of disagreement.

The University of New South Wales Human Research Ethics Committee approved the study.

More detailed analyses of the views of each stakeholder group (journalists, industry, consumers) have been reported or are under review elsewhere. In each of these other articles, we focus on one stakeholder group in detail, and on one specific question, e.g. how interactions are managed [article under review], how power relations are perceived [article under review], and how various stakeholders view their, and others' roles and responsibilities.[19 and article under review] In this article we present a synthesis of all of the findings from this study.

RESULTS

Attitudes about disclosure and regulation

Stakeholders had varying views about the need for disclosure of industry-journalist relationships and of the need for other forms of regulation.

Journalists

Journalists varied in their views about the need for disclosure of industry-journalist interactions in news reports. Some argued that disclosure was necessary, even if these measures might be difficult to institute fairly. Journalist D, for example, was concerned about the potential for industry to lose its legitimate voice, arguing that while **"**you've got to allow [industry] to have their views represented," it obviously "behoves people like me … to try and be aware of what those pressures are and not let them go under the radar."

Other journalists were less certain about the idea of mandated disclosures of their interactions with industry, in part because it difficult to know where to draw the line in terms of the kinds of things that would need to be disclosed, and for what period of time. Journalist D wondered whether there would be **"**some sort of statute of limitations on these things," asking "at what point would I be expected to stop declaring that I was flown to [country] courtesy of [industry] – five years time, ten years, never?"

Some journalists also argued that they did not need to declare industry funding of the research they reported (i.e. of their academic sources) because such disclosures might unfairly impugn the integrity of academics, discredit methodologically sound research, and bore and confuse readers.

> **Journalist H:** you can't bore people and you can't give them things that they won't understand or won't engage in …

To the extent that journalists discussed external regulation at all, many were largely of the view that external regulations, as well as professional codes of conduct, were neither necessary nor helpful in guiding professional behaviour, because they could rely on their own "internal moral compass" rather than needing to refer to codes of practice.

> **Journalist D:** if Pfizer rang me up offering to fly me to London I wouldn't rush over to the code to see if the code lets me do it,

News consumers

Consumers' views about the need for journalists to declare their relationships with industry, or to be regulated in other ways, were also mixed. Some argued that relationships between industry and journalists were problematic and that disclosure and/or regulation of, for example, journalists' shares in companies, were therefore needed.

> **Interviewer:** What if then the journalist had shares in Blackmores …or shares in the Omega Three Centre, or whatever it is.
>
> **Consumer C:** Oh you have to declare that.

Others saw no need for regulation, or were ambivalent about the issue. As with journalists, the reasoning here was partly that it is difficult to know where to draw the line in terms of what kinds of interactions are significant enough to warrant regulation or disclosure.

> **Consumer E:** if [the journalist] was on a scholarship from Blackmores and finished his university degree using that funds, and he writes an article five years later about Blackmores, he's going to be leaning a little bit towards them but that's a normal human reaction, I don't think I need to know that... I think maybe if he did it while he [worked at Blackmores] it might be different.

Industry

Unlike journalists and consumers, industry participants were uniform in their view that journalists should disclose industry relationships in news reports.

> **Industry participant G:** Yes we do send journalists to conferences … I can't insist on it, but what I would absolutely advocate is that the journalist said, "I was sent", that could be their first paragraph …

Industry participants saw external regulation as central to their activities in general—and interactions with journalists were not seen to be an exception. Participant E emphasised that industry has a **"**code of conduct (that) really governs everything we do."

Their desire for regulation was partly because there might be some "rogue" members of industry whose unethical actions could sully the reputation of the industry as a whole and who, therefore, needed to have clear regulatory guidance to prevent such actions. Participant G noted that bad behaviour from the complementary medicines industry could **"**muddy the whole industry" and that, therefore, "there should be one code of practice for the whole industry and we should all be held up to the same standard."

Interestingly, external regulation of journalism was also seen to be important to help control poorly qualified or badly-behaved *journalists*, such as those who exaggerate risks and benefits in order to make their reporting more "newsworthy." Participant E spoke proudly of the industry code that precludes industry from "scaremonger(ing) the consumer."

Perceptions of the ethics of health-related journalism

Participants' views about disclosure and regulation were supported by a range of views about the purposes and principles of health-related journalism (both ideal and actual), and of the roles, motivations and behaviours of health-related industries and consumers.

Journalists

Regarding the purposes of journalism, all of the journalists in the study agreed that journalists have a strong obligation to the public as communicators and translators of health-related information—particularly for those who lack scientific or medical literacy. In Journalist F's eyes, journalists are "not here to educate the PhD people," but rather to "educate the run of the mill people."

In terms of guiding journalistic principles, journalists uniformly argued for the importance not only of ensuring that their reports were newsworthy and entertaining, but also of ensuring accuracy (where necessary with the help of educated academic sources), balance, and objectivity. "Having a trusted brand," and "counter(ing)" misinformation were seen by Journalist L to be two key characteristics of good journalism.

However, the journalists did not see themselves as having ultimate responsibility for the public's health-related actions largely because, in their view, the public should not use the media as their only source of health information.

> **Journalist H:** We're a starting point, nothing that the journalist ever produces should be considered to be a perfect nugget or the final word on any topic at all.

All journalists articulated a strong conviction that they could fulfil their obligations and maintain their professional integrity whilst maintaining relationships with industry. This was in part because academic sources—who had personal integrity and whose word had passed peer review—could be used to ensure that copy was accurate. They made frequent reference to the academic "experts" with whom they have ongoing relationships.

> **Journalist E:** I've got experts in every field that I tend to use. So it might be, say, breast cancer, I'll ring up [expert name] and just say, 'you know, what do you think of this new study?', and get her viewpoint.

Nor was industry engagement thought to impact negatively upon journalists' objectivity. This was largely because journalists positioned themselves as having little or no obligation towards industry. Indeed, they argued that industry needed journalists more than journalists needed industry. They also argued that journalists have a deep knowledge of the ways in which industry might try to manipulate them, and had clear "rules of engagement" for their interactions with industry (described in more detail elsewhere). Journalists also emphasised the importance to their journalistic "brand" of maintaining their independence and trustworthiness by "sticking to the evidence" and "always being able to substantiate, either by trial data or … going to some experts" (Journalist L).

While journalists did acknowledge that organisational constraints and demands, such as the 24-hour news cycle, could impact negatively on their capacity to control their work, they did not see this as a major problem, and even argued that any attempts on the part of industry to manipulate journalists were likely to backfire because the journalist who felt manipulated would be unlikely to engage with the company again.

> **Journalist I:** It's not often that you get suckered into an event where you think, "Oh crap, I didn't realise company X is totally behind this", and if it was the case that you've been startled by that you can either walk away, or equally you can turn around and write a story that exposes what you think is an underhanded tactic.

Industry

Unlike journalists, who limited their own responsibility for the health of the public, industry participants argued that journalists were responsible for the negative health effects of poor quality reporting. They therefore thought that accurate, balanced and objective reporting was essential, but often not achieved by journalists who are more concerned about newsworthiness than accuracy or balance.

> **Industry participant L:** Media's media so, it'll be, it's got to be interesting, it's got to be topical.

Another (perhaps unsurprising) difference between the views of industry representatives and journalists was that industry representatives saw themselves and their companies as being well motivated and committed to both public health and the quality of journalism. They also characterised their promotional materials as being informative as well as reliable and trustworthy sources of information that could help, rather than hinder accurate, balanced reporting. They particularly emphasised their commitment to providing only "evidence-based" information, and making sure that information is not "just floating hot air" (Participant K).

While the views of journalists and industry participants diverged when discussing the roles of journalists and the trustworthiness of industry, they were in agreement that journalists have considerable power over industry, and are thus may not be easily manipulated by industry. However, while journalists saw these power dynamics as being good for the public, industry participants believed that journalists' power over industry threatened, rather than promoted, the quality of reporting. This was partly because journalists were seen to have their own "agenda" to produce newsworthy copy, which might not cohere with the public's need for accurate health-related information.

> **Industry participant A:** Sometimes it can be difficult because the research that we might want to get out there that drives our agenda mightn't be of interest to them at that time.

Industry and journalist participants gave different accounts of the purpose of regulation and disclosure of industry-journalist interactions. For journalists these measures were mostly about protecting journalists from undue influence, which for the most part they saw as unnecessary. For industry participants, on the other hand, these measures served mainly to prevent the *perception* of undue influence. It therefore makes sense that industry participants were in favour of disclosure of industry-journalist interactions even though they did not think that news reporting could be harmed by industry influence. Several participants emphasised the importance of transparency, and the trust that this builds among news consumers.

> **Industry participant G:** I'd want people to be under no illusion that the journalist is writing at the invitation of [Drug company name] … and it would make the reader I think more comfortable that they can believe that there is transparency in the story.

News consumers

Perhaps in contrast to the belief, described in the Introduction, that the public depends heavily on the news media for its health-related information, news consumers agreed with journalists that, while health news should be of reasonably high quality, consumers were ultimately responsible for their own health. For this reason, news consumers emphasised the importance of being given comprehensive and balanced information in news reports, as this would give them a sense of all possible views that could then facilitate their own further inquiry.

> **Consumer A:** it's not pushing you to buy the krill oil, it's telling you about it and it's kind of just suggesting that you should just have that dose, I kind of like that …

These ideas about journalism were consistent with the view held by some consumers that disclosures of industry-journalist relationships were not necessary.

Also consistent with this position regarding disclosure and regulation was the view held by some consumers that industry was basically a legitimate and trustworthy participant in the news production process—particularly where trusted brands were concerned –and that industry-journalist relationships were likely to promote rather than threaten good quality reporting.

> **Interviewer:** So if a journalist was flown to a fish oil conference in Hawaii … and a holiday, would she have to tell you that in the story?

> **Consumer E:** No. Good! That must mean they really want her there.

It was also noteworthy that some consumers appeared to be somewhat oblivious to the role that journalists have in constructing news stories. They did not show any awareness that journalists could

shape stories, and saw journalists as "ciphers" of their sources. For these participants, disclosures and regulation of journalists' behaviour may have seemed simply irrelevant.

But just as consumers' views of the need for disclosure and regulation were mixed (and changeable), so were their views of journalists and industry. Some consumers held journalists responsible for public wellbeing and construed industry as untrustworthy and journalists as easily (and problematically) manipulated by industry-journalist relationships.

> **Interviewer:** Okay well what if the journalist writing the story was friends with someone at Blackmores?
>
> **Consumer C:** Forget it.

Discussion

Both journalists and news consumers had mixed views about the need for disclosure of industry-journalist interactions and/or other external regulation. Industry participants, in contrast, were uniformly supportive of such interventions, largely because of the message they give about the trustworthiness of all those concerned and their role in protecting the public against what they perceived to be poor quality journalism.

In contrast to the view, discussed in the Introduction, that the public relies on the media for its health-related information, both journalists and news consumers saw members of the public as being ultimately responsible for their own health. Industry participants, on the other hand, saw poor quality journalism as a major public health issue because, in their view, the public does make health-related decisions on the basis of what they read or hear in the news.

With respect to their views about industry, journalists were largely sceptical of industry motives, while news consumers had mixed views about the trustworthiness of health-related companies. Not surprisingly, industry participants believed that their companies were trustworthy and committed to providing journalists with evidence-based information.

Finally, both journalists and industry participants agreed that it was journalists who held the power in interactions between industry and the media, and thus were unlikely to be significantly influenced by their interactions with industry, while most consumer participants had little sense of the potential significance of such interactions.

While it is not surprising that different stakeholders have different perspectives, some of our specific findings are surprising. For example, it is not obvious that members of industry would be in favour of disclosure and/or regulation of their interactions with journalists. We were also surprised that both journalists and news consumers said that news reporting does not need to be completely accurate because the public is ultimately responsible for using the information in news reports with caution. Finally, we were surprised by the extent to which members of industry see themselves as being disempowered in their relationships with journalists.

This was a small, exploratory study, the generalizability of which will need to be established quantitatively and in other settings. The study was also limited in that it relied on self-report, leaving participants free to render a socially desirable account of their experiences and beliefs. We have no reason, however, to think that our participants were being disingenuous, and even if they were, it is important for policymakers to have information about *espoused* beliefs and values.

In practice, there are two broad regulatory approaches that could follow from our findings: we could maintain the status quo, in which industry-journalist relationships are largely unregulated and disclosure is not mandated, or we could insist upon tighter regulation and/or disclosure requirements. While our findings give us important information about what stakeholders might want, and how they might respond to greater transparency or regulation, they do not, in-and-of themselves, tell us what *should* be done. To determine the "right" course of action, we would need a much more extensive process of stakeholder engagement as well as a thorough consideration of the moral and socio-political theories pertaining to the oversight of professional and industry (mis)behaviour.

While it is beyond the scope of this article to conduct such an analysis, we find it helpful to draw upon thinking that has been applied to regulation of the media [20] and of other industries whose actions have public health significance.[21] According to this body of literature, which draws upon different ethical theories and describes a series of policy frameworks,[22, 23] external regulation of some kind is needed if any one of a set of conditions is met. These include:

1. There is strong public interest in the issue OR
2. The problems we are dealing with are moderate or high risk OR
3. Any problems that exist cannot be fixed by other means (e.g. by "letting the market work").

It seems highly likely that industry—journalist relationships would satisfy one or more of these conditions. At the very least, there is strong public interest in both medicine and journalism. We also know from other domains of practice, such as medicine,[24] that conflicts of interest can influence practice, and there is no reason to think that journalism would be immune from such effects.

Another way of determining whether regulation and/or transparency might be needed is to consider the indicators of successful *self* regulation, for example: 1) that there is adequate coverage of practices by self-regulation; AND 2) that there cohesion among stakeholders, who are all motivated to self-regulate effectively, AND 3) that there is evidence that voluntary self-regulation, perhaps including use of effective self-sanctioning and incentives, is being applied.

It is our belief that these conditions of effective self-regulation have not been met in relation to industry—journalist interactions. First, while journalists and companies do have codes of conduct, there is currently no interconnected model for regulation of these interactions. Second, it has been well described that there is enormous diversity of practices and attitudes within industry and the media, and it is highly unlikely (as we have shown) that all stakeholders would be equally committed to self-regulation. Finally, there is no evidence to our knowledge of sanctions having been applied voluntarily by either industry or news organisations in relation to industry—journalist interactions. In this regard it is noteworthy that it is ethicists and other media critics—and not journalists or health-related industries—who have brought this issue to light.

For these reasons, we would suggest that a strong case could be made for greater transparency and greater regulation of industry journalist relationships. Any additional regulation or other strategies for control would, however, need to be monitored carefully to ensure that they do not do more harm than good as a result of outright rebellion, dishonest declarations of interests, or "ceremonial compliance." [13-15]. In this regard, considerable insight might be gained from observing outcomes of calls for greater regulation of other forms of media activities such as has occurred in the wake of the *News of the World* Scandal.[16, 25]

Our results demonstrate that in order to achieve greater control of industry—journalist interactions, work would clearly have to be done to convince some journalists that this is necessary and desirable. This is likely to be challenging because it appears that some journalists—like some doctors[26]—believe that they are immune to industry influence. Given this, these journalists' cooperation might be facilitated by noting that—while their own behaviour might be appropriate—*other* journalists might be more susceptible than they are to influence. It might also be helpful to remind journalists of the possibility (recognised already by members of industry) that regulatory control of journalism and disclosure of industry-journalist relationships could enhance public trust in journalism, whether or not such measures are actually needed. It would also be crucial to educate the public about the news production process, so that they are able to make sense of disclosures in news reports, and in order to reassure journalists that such disclosures would not be misinterpreted by news consumers. Finally, it would be important to ensure that regulatory measures and public registers are themselves instituted transparently and do not unfairly single out particular journalists.

We acknowledge that moves towards greater regulation and disclosure of industry-journalist relationships would be challenging. This is not only because some stakeholders would likely resist these measures, but also because of developments in information technology, the growth of social media, and the emergence of the 24-hour news cycle.[27, 28] As has been noted elsewhere, all of these changes in the media landscape challenge the ability of journalists to uphold the profession's shared values and maintain their independence from their sources (including industry sources)[29-31] and make regulation of the media far more complicated than it has ever been in the past.

It also needs to be acknowledged that industry is only one group that might want to induce journalists to promote a particular message, so journalists' independence would not be guaranteed even if the "problem" of industry—journalist interactions could be resolved completely. Any approach to industry—journalist interactions would, therefore, need to be accompanied by similar approaches to relationships between journalists and, for example, governments or consumer advocacy groups.[32]

While it is beyond the scope of this article to elucidate a detailed strategy for managing competing or conflicting interests,[see 3, 4] our results have pointed to several practical steps that could be taken to ensure that all key stakeholders accept greater regulation and disclosure, and that these measures have the intended effect on both the quality of journalism and the actions of news consumers.

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