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*Your link to nutrition and health.* <sup>SM</sup>  
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## HOD BACKGROUNDER

### Dietetics Professionals and ADA Organizational Units Relations with Industry

Today, organizations are under pressure to address increasingly complex problems, adapt to rapid changes in technology, work faster, and produce more with limited resources. In response to these demands many are combining resources and expertise with other organizations, agencies and corporations. Relationships with industry and other types of organizational alliances are being formed, dissolved, and re-formed at an unprecedented pace to achieve success. Many organizations want to increase involvement with industry.

It is not uncommon in organizations where members have limited involvement with industry that any relationship is perceived as too commercial and therefore not to be trusted. However, industry relations play a role in keeping an association vital by defraying costs, allowing for synergy, and allowing professionals to ensure accuracy of information provided to the public. The issue is not whether or not ADA should have relations with industry since this practice exists and will continue. Rather it is that dietetics professionals (as individuals, employees, and leaders of organizational units) need guidance in order to ensure that, when industry relations are established, they are done in a prudent manner so that a positive outcome is achieved.

The HOD Leadership Team (HLT) discussed these trends and determined that issues surrounding industry relations should be addressed as a mega issue during the Fall 2005 House of Delegates Meeting.

The HOD Leadership Team, Finance, Public Relations, Knowledge Center, Practice, Marketing/Communications, Membership, and HOD Governance Teams, including Legal Counsel, collaborated to develop this HOD Backgrounder, which includes a variety of data and information from ADA, the American Society of Association Executives (ASAE), and various other resources.

**MEGA ISSUES QUESTION:** What is needed to ensure that when dietetics professionals and ADA organizational units collaborate with industry, they do so in a prudent manner?

**EXPECTED OUTCOME:** Identification of critical components and key elements to consider in examining the risks, benefits, and opportunities of industry relationships.

Knowledge-based Strategic Governance is a mechanism for consultative leadership. It recognizes that “strategy” is the necessary and appropriate link in the Board's role to govern the organization, the House's role to govern the profession and the staff's role to manage implementation. To assist you in thinking about the issue to be addressed, four key background areas are presented as standard questions used for each Mega Issue. These questions create an environment of awareness of what we know and what is unknown. A wide range of resources has been used to provide you with what is known.

#### ADA Specific Definitions

- Collaboration: an agreement with a for-profit organization or member of industry to develop specific nutrition education materials or programs. ADA and collaborating groups may develop various elements of the program separately or in conjunction.

- Alliance: an agreement with a non-profit organization or government organization to develop specific consumer education materials or programs. ADA and alliances may develop various elements of the program separately or in conjunction. Alliances will not be discussed in this paper as they are relationships with non-profit or government agencies.
- Consortium/Coalition: multiple organizations working together to advance ADA's mission and vision. Generally there is a lead organization which may or may not be ADA. Consortia and coalitions are made up of non-profit organizations or government agencies and will not be addressed in this paper.
- Partnership: For purposes of this document, the terms "partner" and "partnership" mean a simple collaborative relationship between two or more individuals or entities. Care must be taken to avoid the use of the terms in their legal sense, where they connote a relationship in which each partner is legally liable for the acts and conduct of the others. ADA does not enter into relationships with industry that meet the legal definition of a partnership.

### General Definitions

The following definitions are for purposes of this discussion, and may differ from other definitions of the same terms.

- Conflict of Interest: a set of conditions in which professional judgment concerning a primary interest (such as a patient's welfare or the validity of research) could be unduly influenced by a secondary interest (such as financial gain).<sup>1</sup>
- Primary Interest: determined by the professional duties of a dietetics professional – health of patients, the integrity of research, the education of students, sharing/transmitting knowledge, and developing new knowledge.
- Secondary Interest: personal gain, financial gain, desire for prestige and power, peer recognition, preference for family and friends.
- Intersector partnerships for nutrition intervention: a major public health strategy in the United States. Joint relationships among government agencies, nutrition authorities (ie, persons and organizations the public recognizes as credible sources of nutrition information), and representatives of the food industry shows promise for achieving the nation's health and nutrition objectives.
- Nutrition authorities: persons and organizations the public recognizes as credible sources of nutrition information, for example, ADA<sup>2</sup>.

### Models of Industry Relationships<sup>2</sup>

Traditional Models include:

- industry advertising in periodicals;
- industry sponsorship of exhibits and special events; and grants for research and development programs from a variety of sources.
- Typically, the partners in these models were familiar with each other, and the nutrition authorities involved were solely responsible for leadership, decision making, and control of outcomes.
- Newer models for industry relations:
  - partners may be less traditional and less familiar to nutrition authorities;
  - share responsibilities and resources with the nutrition authorities.
  - power-and-influence dynamics are different.
    - all partners contribute resources to the relationship; have influence over the outcome; and share leadership, decision making, and problem solving.

**Question #1: What do we know about the needs, wants and expectations of members, customers and other stakeholders related to this issue?**

**Regarding Industry Relations – Trends and Attitudes**

- **Consumers**
  - Consumers are the ultimate source of revenue for dietetics professionals as well as for the food industry– either directly, through the purchase of products and services, or indirectly, through taxes that fund government, research, and some university programs<sup>3</sup>. Therefore, a primary responsibility in all endeavors is to protect and ensure consumer well-being. Relationships can have a mutually beneficial goal even if motives differ.
  - Seventy-five percent of consumers want to learn more about how companies seek to be more responsible. Increasingly, customers want to buy from companies and organizations that they consider to be good companies<sup>6</sup>.
  - The more customers know about a company and its products, the greater is their satisfaction. Eight out of ten US consumers feel they can affect corporate behavior which in an association means holding nonprofit organizations accountable for how well they spend membership dues<sup>6</sup>.
- **ADA Members**
  - Members believe it is important to maintain a balance between the optimism of health/business joint efforts and the healthy skepticism that in the end there may be different agendas.
  - Because nutrition authorities are accustomed to leading nutrition intervention projects, sharing leadership roles may be uncomfortable.
- **Associations**
  - From our first meeting as an association in 1917, ADA benefited from the support of a handful of exhibitors, such as Royal Baking Powder, Mellin's Food, and Fleischmann's Yeast Company<sup>4</sup>.
  - Nonprofit organizations have traditionally viewed the private sector with suspicion because they fear that their altruistic values and independence will be compromised by close association with businesses driven by the profit motive.
  - Because associations rely on the support of sponsors, associations need to keep sponsors satisfied by fulfilling commitments entered into<sup>5</sup>.
- **Industry**
  - Representatives of business, agriculture, and other areas that traditionally have not been perceived as sharing public health interests are now seeking relationships and are being sought for joint projects.
  - Industry partners value the access to opinion leaders, communication channels, marketing expertise, scientific credibility, and other resources these groups bring to the project.
  - There is an increased demand for transparency due to increased access to information via internet and a spate of high-profile financial scandals<sup>6</sup>. Transparency, however, no longer means just the financial aspect of how companies do business but also behavior, operations, and performance.
  - Currently there is a growing scrutiny of corporations which is also expanding to nonprofit organizations, unions, industry associations, and similar organization that are sustained by membership.

**Regulation, Enforcement and Disclosure<sup>6</sup>**

- Relying on the good character of individual practitioners to ensure that they avoid conflicts of interest, or deal with them judiciously when they arise is the least intrusive procedure. Regulation by a profession provides more assurance of integrity than leaving it to the discretion of each individual practitioner.
- As compared with government regulation, professional regulation also has the advantage of involving those who know and care personally about professional practice.

- The chief advantage of government regulation is that it is publicly transparent and includes more people in the process of making and enforcing the rules. An important disadvantage, however, is the inflexibility, exposure and procedural complexity that normally characterize the regulatory and enforcement process.
- Whether the responsibility for dealing with conflicts of interest falls to the individual practitioner, the professions, or governments, disclosure is the remedy most commonly prescribed. An advantage of disclosure is that it gives those who would be affected, or those who assess the risks, information they need to make decisions. A deficiency of disclosure is that those who receive the information may not know how to interpret it and may not have a reasonable alternative. Disclosing a conflict only reveals a problem, without providing any guidance for resolving it.
- Conflicts of interest can be avoided by using any of the following methods:
  - mediation: agreement between parties to promote compromise (ie only accepting appropriate costs for services rendered),
  - abstention: do not take part in activities,
  - divestiture: eliminates secondary interest, and
  - prohibition: withdraw permanently in the instance where an individual has secondary interests.

### **Issues Management Committee and Communications to ADA Regarding Industry Relations**

- Since its inception in 2001, the Issues Management Committee has received issues connected to relationships among ADA, members, and industry (Appendix A).
- The submission of these issues supports the need to discuss industry relations both to assure members of the prudence taken when entering relationships with industry and to educate members on the process.
- Members have supported both sides of the issue, noting that the 'support' of industry is helpful in alleviating fiscal pressures and facilitating activities that would otherwise be limited due to prohibitive costs, but that ADA should not opt for revenue over national health.
- While members expressed concern about industry relations, they also frequently suggested that ADA might be able to find sponsorship (pharmaceutical, equipment, or magazine companies) to cover costs of mailings, publications and other association activities.
- Some of the issues submitted were about industry practices over which ADA does not have control.

### **Industry Relations Survey for Organizational Units**

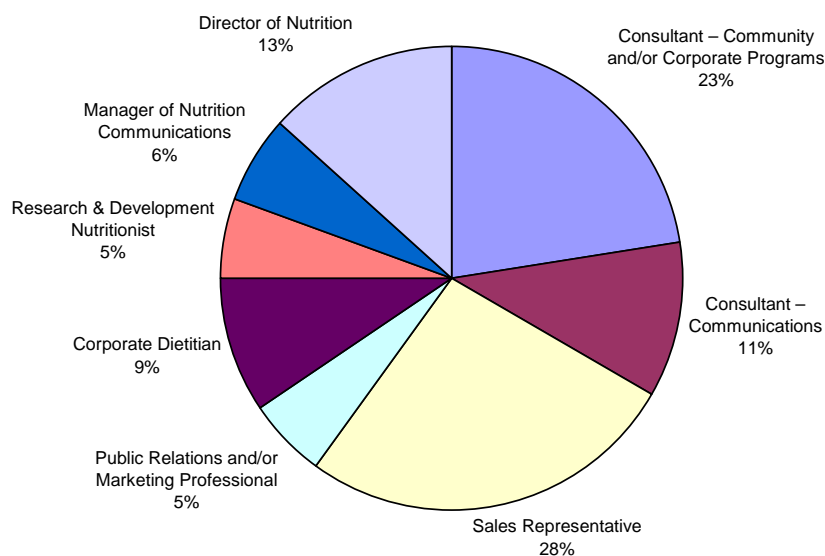
- In June 2005, the HOD Governance Team conducted a survey of affiliate and delegate leaders to obtain information about how these organizational units utilize and view industry relations (Appendix B).
- Eighty-two leaders were asked to complete a brief survey asking the following questions:
  - How do you pursue industry partnerships within your organizational unit?
  - How do industry partners impact your organizational unit?
  - What issues/ethical concerns (positive or negative) have occurred related to your efforts to partner with industry groups (food, beverage, equipment, etc) for support of your programs and projects?
  - How do your members feel about partnering with industry (sponsoring events, scholarships, etc.)?
- The response rate was 48% (39/82). Twenty-two affiliate leaders and 17 DPG leaders completed the survey.
- Affiliates tend to look to industry sponsors for annual meetings. Others use money from sponsors to support scholarships. Some affiliates have an Industry Relations Chair position.
- Both affiliate and DPG leadership stated the importance of balance between the positive and negative aspects of receiving sponsorship from industry with the majority of respondents supporting relationships with industry.
- The majority of respondents supported or strongly supported establishing relationships with industry.

**Question #2: What do we know about the current realities and evolving dynamics of our members, marketplace, industry, profession that is relevant to this decision?**

**Description of the Profession of Dietetics<sup>7,8</sup>**

- The 2004 Dietetics Professionals Needs Assessment Survey sheds light on the composition of the profession of dietetics.
  - Approximately eight percent of registered dietitians work in consultation and business practice. This setting includes those dietetics professionals who are employed by industry. Dietetics professionals who consider themselves in research and management may also work for industry so this number may be higher.
  - The majority of dietetics professionals continue to work in traditional clinical settings (hospital, clinic, or long term care facility).
- This survey also looked at reasons for attending FNCE. The third most popular reason was to visit exhibits.
- Another portion of the survey asked information about opinions of ADA image and advocacy.
  - Thirty-five percent of respondents felt that ADA is not recognized by consumers.
  - Forty-six percent felt that ADA does not do enough to promote to the public or to business and industry.
- Sixty-five percent of respondents desire more materials on ethical issues in practice, which could include guidance on relations with industry; however, this was not specifically mentioned.
- The *2002 Dietetics Compensation & Benefits Survey* provides insight into the number of dietetics professionals that may be employed by food, commodity, or medical/nutritional industries.
  - Ten percent of all respondents indicated their primary position of employment was in consultation and business practice. This category included private practice - patient/client nutrition care, consultant – community and/or corporate programs, consultant – communications, sales representative, public relations and/or marketing professional, corporate dietitian, research & development nutritionist, manager of nutrition communications, and director of nutrition.
  - Up to seventy percent of the individuals in these categories maybe employed by industry (excluded private practice dietetics professionals).
  - The largest group of dietetics professionals employed by industry is sales representatives (Figure 1).

Figure 1. Consultation and Business Primary Position (Industry) 2002 Salary Survey



### **Value of Dietetics Professionals<sup>9</sup>**

- Dietetics professionals fulfill the ever-rising expectations of the profession, employers, and society:
- Dietetics professionals and their services are regarded highly by the public, other health professionals, payers, and employers.
- A study conducted by ADA showed that these groups often value dietetics professionals more than they value themselves.
- For whatever reasons, many dietetics professionals do not think they are as good or as well-recognized for their excellence and expertise then is the case.
- These results point to the importance of dietetics professionals understanding their value and worth, both of which need to be considered when entering any relationship to ensure that it is equitable.

### **Key Trends Affecting the dietetics profession and the American Dietetic Association<sup>10</sup>**

- The ADA Environmental Scanning Report, published in 2002, provides information about trends that affect the profession of dietetics. Some key trends that relate to industry relations include:
  - Pressure is rising on health professionals for greater competency and accountability, which includes maintaining and building credibility.
  - There are increasing opportunities for dietetics professionals to work in corporate America.
  - Revenue sources for associations: the need for new revenues will drive associations to become more innovative in seeking out new partners and nontraditional sources of income.
  - Outsourcing and cosourcing: gaining maximum advantage from outsourcing or cosourcing will require associations to carefully distinguish core from noncore functions and to identify the strategic benefits as well as cost savings.
  - Consolidation and mergers: Because these are occurring with greater speed and unpredictability, associations will have to become more proactive to deal with the resulting chain reaction that affects revenues, services, and membership categories.
  - Image building: increasing public scrutiny and competition will lead associations to defend their members' credibility and promote the unique value of their services or activities. The ADA's cooperative relationships with food manufacturers and the food service industry could be a source of problems in maintaining an independent image.

### **Survival for All Associations**

- Factors affecting survival of associations across America:
  - economic downturn,
  - explosion of number of associations (1000 new/yr),
  - highly competitive environment for members.
- Survival may depend on being open to different ways of operations including entering relationships with industry<sup>11</sup>.
- Industry relationships not only address financial needs but also can increase organizational effectiveness.
- Traditional nondues revenues for associations are:
  - meeting registrations 9.3%,
  - educational program fees 8.2%,
  - exhibit booth sales 5.5%<sup>12</sup>;
- In 2003, dues revenue was 39.2% of revenue for professional organizations<sup>13</sup>
  - Trend for ADA: Dues revenue was 29% of all revenue in 2002, 33.4% in 2003, 38.6% in 2004, and 39% in 2005.
- In 2003, industry related revenues (exhibit booth fees and registration, periodical and web site advertising, and meeting sponsorship revenue) accounted for approximately 13% of revenue for professional associations<sup>13</sup>.

### **Research on Health Professionals' Industry Relations**

- There is little research investigating dietetics professionals' knowledge and attitude in regards to industry relations.
- A study of physicians showed that while physicians perceived themselves as paying little attention to drug advertisements, as compared with scientific literature, their beliefs about the effectiveness revealed quite the opposite<sup>14</sup>.
  - Their prescription practices supported two scientifically ineffective drugs that were touted by advertisements.
  - The study also demonstrated that in the absence of mandatory postgraduate education or recertification, pharmaceutical advertising becomes the major source of continuing education for American physicians.
  - The predominance of nonscientific rather than scientific sources of drug information is consistent with what would be predicted from communications theory and marketing research data.
- In 1990, a study by McKinney found that residents and medical faculty generally had somewhat negative attitudes toward the educational and informational value of detailing activities of sales representatives but indicated that industry supported important conferences and speakers<sup>15</sup>.
  - Sixty-seven percent of faculty and 77% of residents indicated that physicians could be compromised by accepting gifts.
  - A majority of respondents favored eliminating presentations by pharmaceutical representatives at their hospitals.

### **Other Medical Societies**

#### **American Academy of Pediatrics (AAP)**

- The AAP's Committee on Membership states that one of the issues that is likely to create change in AAP structure, programs and services is a changing role of industry/industry relations with medical societies<sup>16</sup>.
- The AAP leadership was challenged when an AAP publication, *New Mothers Guide to Breastfeeding*, was permitted to be co-opted by the Ross Product Division of Abbot Laboratories with the Ross Teddy Bear logo and the words "Ross Pediatrics" printed on the front cover. The AAP's Section on Breastfeeding felt that this contract was in violation of AAP's policies and procedures. As a result of this situation, the AAP has developed and approved the "Principles for Interaction with Industry and Other Organizations". Some AAP members apparently felt there was a lack of transparency with the AAP leadership, leading to mistrust<sup>17</sup>.
- "Principles for Interaction with Industry and Other Organizations" delineates general principles for interaction with industry<sup>18</sup>.
  - The entire AAP is looking anew at corporate relationships, particularly the effect they have on medical care. The combination of industry facing financial pressures and being able to advertise directly to consumers has resulted in more selectivity in their support of professional organizations.
  - For some time now, the AAP has had to seek win/win situations with industry. "It's a real challenge to ferret out those relationships that are good for both industry and children", says the AAP's president. "We have to remember that just because something is good for industry; it isn't necessarily bad for children, or society. Indeed, thanks to industry contributions, the Academy has been able to provide many educational tools to help families and children".
- AAP policy on relationships with industry and other organizations is summarized in a one page document. (Appendix C)

#### **American Medical Association (AMA)**

- The AMA developed guidelines in the early 1990s which helped to curb many inappropriate practices; however by the late 1990s many physicians and industry representatives were not adhering

to them. In 1999, an AMA task force recommended that an educational effort be initiated to raise awareness.

- The AMA offers four on-line continuing medical education models that address the AMA's national initiative on the "Communication of Ethical Guidelines for Gifts to Physicians from Industry"<sup>19</sup>.
- Along with these extensive modules is a one page brochure, titled "*What you should know about gifts to physicians from industry*", that is intended for patients.
- Information from these modules:
  - In 2000, pharmaceutical companies spent \$15.7 billion on promotion, an increase of 43% since 1997.
  - The complete avoidance of conflicts may be the ideal situation – but may also be difficult to achieve. Often the only option is to reduce the effect of potential conflicts of interest.
  - When a conflict, potential conflict or even a perceived conflict of interest is identified the best action is to: avoid, disclose, or mitigate the conflict.
  - The Office of the Inspector General (OIG) for Health and Human Services and the Food and Drug Administration (FDA) are monitoring interactions between physicians and industry representatives more closely. Government laws regarding fraud address three financial issues:
    - Filing false claims
    - Paying or soliciting for or receiving bribes or kickbacks for referrals = payments from a seller back to the buyer to induce a referral or purchase, including fee-splitting.
    - Self-referral schemes.
  - To ensure compliance with laws addressing kickback and self-referral, physicians should be familiar with the specific language of any relevant federal and state statutes, as well as any applicable exceptions. To provide some clarity for physicians and industry, the OIG in April 2003 issued OIG Compliance Program Guidance for Pharmaceutical Manufacturers.

### **Canadian Breast Cancer Network (CBCN)**

- There is growing interest in building relationships between industry and non-governmental organizations (NGO) and acknowledged common interests and mutual benefits. While the following example is from a disease specific organization, it still has implications for professional organizations.
- The following is an example of a successful partnership between the Canadian Breast Cancer Network (CBCN) and Janssen-Ortho Inc. (JOI) in Canada<sup>20</sup>.
- For CBCN, the success factors were:
  - clearly-defined organization mission and goals;
  - innovative leadership that remained accountable to the membership at every step; and
  - adequate source of non-industry funding.
- Some of the key success factors for JOI were:
  - dedicated team within JOI to develop community partnerships;
  - extensive NGO experience of key members of JOI team;
  - mutually-developed, agreed-upon, and beneficial goals and outcomes; and
  - commitment to CBCN beyond financial support.
- Joint success factor was the availability of third-party facilitators and consultants who were accountable equally to the NGO and the industry partner.
- Achievements were:
  - advocacy training workshops and materials,
  - fund-raising and public awareness initiatives,
  - development of educational materials, and
  - identification of potential supporters.

- Based on this experience and others studied, some of the guidelines for partnership that emerged were:
  - clear terms of engagement;
  - incremental approach that allowed for development of trust and understanding;
  - mutually-defined goals and objectives for each project; and
  - control over the relationship (established boundaries and ability to terminate, at will).
  - Written agreements were not as important as mutual respect and open communications.

### **Synergy in Health Messages<sup>21</sup>**

- Public-private relationships can extend the reach of nutrition education messages.
- For example, in the 1950s and 80s the Basic Four Food Groups message was disseminated through a variety of sources in school, the media and advertising, and on food packages.
- Relationships between government, not-for-profits, and industry are very useful for communicating with one voice about important public health and safety issues.
- Through relationships, there is substantial amplification of messages benefiting the consumer.
- At the same time that the Food Guide Pyramid was being developed, consumers were bombarded with other diet and health messages, such as the Dietary Guidelines for Americans which were seen as not very actionable for consumers.
- As a result, research at the time indicated that consumers were becoming more confused about the flood of nutrition and food information.
- Public service announcements about health and safety are often the result of a public-private relationship.

### **Question #3: What do we know about the capacity and strategic position of ADA in terms of its ability to address this issue?**

#### **As an Individual ADA Member**

There are many ways in which ADA members, individually or as teams, can form valuable relationships in their local communities<sup>22</sup>. Medical centers, schools, restaurants, local government, relief agencies, and health clubs benefit from a joint endeavor with the community's resident experts on the nutritional aspects of health and illness. There are as many partnership opportunities as there are ADA members. Successful partnerships will position us as leaders in emerging areas in food and nutrition and will help us influence nutrition and health policy agendas.

#### **The Color of Money: Exploring the Various Dimensions that Underlie Financial Support<sup>23</sup>**

Julie O'Sullivan Maillet, in her November 2002 President's Page, addressed industry funding and stated that "ADA is an ethical organization, with members who possess integrity and the deep desire to act in the best interests of our clients, patients, customers, Association – and ourselves". She highlighted the FNCE 2002 session "The Color of Money: Exploring the Various Dimensions that Underlie Financial Support" which examined the role of industry in education and research and reviewed risks, benefits and opportunities of industry support and partnerships.

#### **Why Form Industry Relationships?<sup>2, 11</sup>**

- Potential Benefits:
  - Expansion of the scope and depth of projects, services, and communications.
  - Funding for professional education and development.
  - Ability to utilize resources and strengths of industry to fill the gaps and to create an opportunity substantially above that which either could generate working alone.
  - Opportunity for public outreach that is costly and difficult to replicate in the not-for-profit sector.

- ADA brings to the relationship integrity, sound science, technical expertise, and objectivity.
- Ability to form timely strategic relationships around issues critical to members and consumers and to broadly disseminate messages based on sound science.
- Address the global needs of the profession and the public while those at the affiliate and dietetic practice group level help to address local educational and outreach concerns and specialty practice pursuits, respectively.
- The opportunity to expand consumer awareness of our profession and advance members' technical knowledge and skills.
- Offset a portion of the cost of some of the skills development workshops and seminars offered nationally, regionally, and locally.
- Expose members to the vast array of foods, products, and services for which consumers and employers seek dietetics professional's advice.
- Ability to use industry's marketing skill, technical expertise, credibility, and communication channels.
- Expanded choices of healthful foods.
- Consistent consumer cues that promote better food choices.
- Access to business decision makers.
- Access data that may not otherwise be available.
- Enriched perspectives.
- Enhanced marketing skills.
- Expanded networks of media and other contacts that increase the reach and effectiveness of nutrition authorities.
- Ability to develop innovative programs that reach their target audiences using the resources of industry partners.
- Greater ability to pursue mission.
- Increased stability.
- Reduced duplications.
- Less competition leading to efficient use of resources.

### **Why Not Form Industry Relationships?<sup>11</sup>**

- Potential Risks:
  - Compromised credibility because of the association with industry representatives.
  - Appearance of impropriety.
  - If improperly addressed, may lead to unethical practices.
  - Risks arise for organizations that are:
    - not ready to engage in the negotiation process that occurs to outline the parameters of an industry relationship;
    - not adequately informed;
    - do not know the value of what each side brings to the relationship;
    - do not have details of the relationship clearly outlined.
  - A relationship effort that is undertaken for the wrong reasons or that is poorly designed and executed can have devastating outcomes, including negative publicity, lost time and money, and damaged relationships.
  - Potential for misunderstanding from consumers, clients, and members as to implied endorsement.

### **How Does ADA Protect Itself?**

- Any relationship that ADA establishes with industry requires a written agreement. Agreements clearly define the terms, expectations, conditions and desired outcomes.
- ADA general counsel reviews potential industry relationships to ensure that the relationship is equitable and legal.

- ADA retains control of message content and critical elements in message dissemination.
- ADA strives to never compromise its integrity as the leading source of food and nutrition services.
- ADA evaluates opportunities for corporate sponsorship in terms of consistency with our mission, vision, values, and strategic goals.
- ADA assesses corporate philosophy and compares it to our own.
- ADA reviews the fit of the program, service, or educational materials to be developed with our defined concepts on relevant issues.
- ADA identifies corporate compatibility of philosophy and style before an agreement to collaborate is negotiated.
- ADA's willingness to work in concert with a number of industry partners and for variable periods of time gives us the flexibility and independence to reconfigure relationships to address diverse needs in a seamless, proactive fashion.
- ADA also protects itself by staying abreast of current science and will not agree to a relationship or program that is not supported by scientific evidence.

### **Types of ADA Relationships with Industry**

- The majority of ADA relationships with industry can be categorized as sponsorships, industry collaborations, or technical reviews. In all these relationships, the Marketing and Communications group must approve the use of ADA's name and logo to ensure that each use meets ADA guidelines and is within the scope of the agreement.
  - Sponsorships – Companies or other organizations may sponsor educational sessions, meals, receptions and publications. The sponsor has limited participation in these activities and must conform to ADA policies and guidelines. See appendix for details.
  - Industry collaborations – Industry collaborations range from short-term, small -scale projects to multi-year, multi-faceted programs. Signed agreements detail the elements of the project as well as the responsibilities and commitments of both parties. ADA provides input and guidance throughout the development, production and implementation of the project.
  - Technical review – Materials developed and produced by industry or other organizations may be reviewed by ADA for accuracy and appropriateness for the target audience. If the brochure, web pages or other material is favorably reviewed, an approved statement along with ADA's name and logo may appear on the final product.

### **Summary of ADA Working Guidelines for Industry Projects**

- The American Dietetic Association welcomes industry relationships that help the Association fulfill its mission and vision in the following ways:
  - Delivering ADA-approved nutrition messages to a wider consumer audience than ADA could reach using its own resources
  - Providing ADA-approved educational tools and materials to ADA members that are useful to members in their professional work with the public
  - Influencing industry nutrition education messages and communications programs to make them consistent with sound science and Association positions and philosophies
  - In such cases, ADA may consider granting a restricted license to an industry partner to make use of the ADA name and logo to show ADA's support of specific ADA pre-approved messages or materials.
- ADA formal agreements with industry and ADA procedures are designed to prevent any undue industry influence particularly where there is a possibility that industry self-interest might tend to conflict with sound science or ADA positions, policies and philosophies.
- ADA requires clear identification of industry support on any materials that have received funding from an industry partner and bear the ADA name.

- In its relations with industry, the Association is mindful of the need to avoid even a perception of conflict of interest and to act at all times in ways that will only enhance the credibility and professional recognition of the Association and its members. The continuing value of ADA's name depends on its reputation for integrity, which has been earned by generations of ADA members over the course of many decades. ADA will authorize no commercial use of the name and logo that would diminish that value or damage that reputation.

### **What ADA has Accomplished with Industry Support**

- The American Dietetic Association works with food companies and other organizations to develop materials and programs that deliver credible, science-based food, nutrition and health messages to consumers and to ADA members. Through these collaborative efforts, ADA is able to reach more consumers with positive nutrition messages.
- Each relationship is unique and may contain various components including: nutrition education materials, information on the ADA Web site with a link to the company or organization's Web site, on-package messages, toolkits, nutrition fact sheets, media relations and participation in advisory panels.
- Typical Products or Services of Industry Projects (Appendix D)
  - Online nutrition education tools
    - Information packaged in a format that allows the nutrition professional to present materials in a manner that is effective and fun to the client.
  - Printed consumer nutrition education pieces
    - These materials are geared to deliver nutrition information to consumers. ADA works in collaboration with the company and has final review before allowing the ADA name, logo and nutrition message to appear on the piece.
  - On package nutrition messages
    - These positive nutrition education messages educate consumers about the health benefits of a particular food and are included on the packaging. ADA develops with the company the nutrition message and has final review which includes the placement of the message on the packaging.
  - Nutrition Fact Sheets
  - Nutrition information campaign participation
  - Nutrition awareness event participation

### **General Requirements for Acceptance of Industry Projects**

- Fit with ADA strategic goals
- Scientific accuracy
- Conformance with ADA positions, policies and philosophies
- ADA editorial control of all content in materials bearing the ADA name and logo
- Clear separation of ADA messages and content from brand information or promotion
- No endorsement of any particular brand or company product
- The inclusion of relevant facts and important information where their omission would present an unbalanced view of a controversial issue in which the sponsor has a stake
- Full funding by the sponsor of all direct and indirect costs associated with the project
- Payment of an appropriate licensing fee for the use of the ADA name and logo
- ADA strives to communicate healthful eating messages to the public that emphasize the total diet or overall pattern of food eaten, rather than any one food or meal. If consumed in moderation with appropriate portion size and combined with regular physical activity, all foods can fit into a healthful diet.

### ADA's Policies

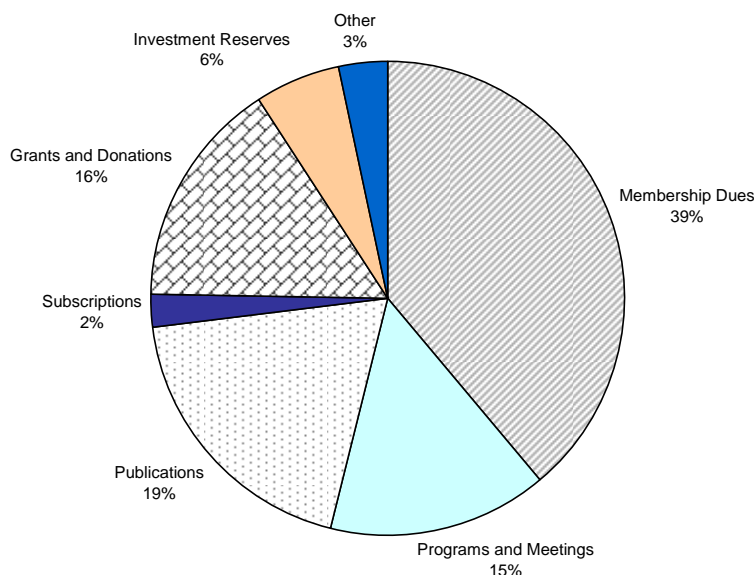
- ADA's relationships with industry are generally with large food corporations; however, those relationships are limited to specific parts of those companies. ADA ensures that the values of that segment of a company are aligned with the values and goals of ADA.
- Several policies have been adopted to provide guidance to the Association in regards to relationships with industry. Policies are continually reviewed and revised.
  - [Advertising Policy](#) (Effective Date: August 1989, Revised: December 2001, May 2002, September 2002)
    - POLICY: The American Dietetic Association accepts commercial advertising for its periodicals, Web site, some special-purpose publications and other forms of communication.
  - [Commercialism Policy](#) (Revised February 2003)
    - ADA maintains full control over the planning, content and implementation of all programs presented during FNCE including the selection of speakers, moderators and faculty. The intent of FNCE programs is to provide quality sessions focused on educational content, which is free from commercial influence or bias. ADA prohibits presentations that constitute promotion and/or advertising. This specifically includes pervasive or inappropriate use of logos. Presentations that are sole descriptions of a program, publication, or product will not be accepted nor tolerated by the participants. To this end, program planners, session participants and sponsors are prohibited from engaging in scripting, targeting points for specific emphasis or other actions designed to influence the overall content of the program. Statements made should not be viewed as, or considered representative of, any formal position taken on any product, subject, or issue by ADA. It is the responsibility of the program planner to ensure compliance from all speakers.
  - [Conflict of Interest Policy](#) (Revised 2005)
    - This conflict of interest policy is designed to help any person serving as a director, officer or member of a Board, committee or task force of the American Dietetic Association ("ADA") identify situations that present potential conflicts of interest
  - [Duality of Interest Disclosure - Speakers and Presenters](#) (Effective Date: October 6, 2004)
    - POLICY: The American Dietetic Association (1) will require all persons speaking or making presentations at ADA programs to disclose any dualities of interest that might be perceived as affecting or influencing their presentations, and (2) will ensure that such disclosures are made known to the attendees and audience for such programs.
  - [Fact Sheet Policy](#) (Revision Dates: Dec. 2001, April 2002, May 2002, August 2003)
    - POLICY: ADA will participate with the food industry, including commercial entities, to provide consumers with credible, scientifically based information about food, nutrition and fitness through Nutrition Fact Sheets published in the Journal and distributed to consumers. Information published in Nutrition Fact Sheets must conform to ADA positions, policies and philosophies.
  - [On-Package Consumer Nutrition Messages Policy](#) (Effective Date: April 2002)
    - POLICY: ADA will participate with the food industry, including commercial entities, to provide consumers with credible, scientifically based information about food, nutrition and fitness through statements printed on food and related packages.
  - [Sponsored Meetings for ADA Media Spokespeople Policy](#) (Approved: June 27, 2004)
    - POLICY: When third party organizations offer to organize, finance and host events for the Spokespersons Program, if ADA accepts such an offer, ADA will in its discretion require that the organizer pay a fee to ADA. Spokesperson attendance at industry sponsored briefing and training events requires prior approval by ADA.

### ADA Funding Sources

ADA receives money to support member programs and services from a variety of sources such as membership dues, advertising, publications, subscriptions, grants and donations, optional member

services and investments. The following chart reflects the percentage of funding coming from all major categories (Figure 2). Currently, ADA receives 75% of its funding from four major categories: membership dues, publications, programs and meetings and subscriptions. The remaining 25% comes from grants and donations, optional member services, advertising and investments. Industry funding can be found to varying degrees in all funding segments depending on the definition of industry funding, which can range from a subscription to the Journal to a major donation. Industry funding as a whole represents up to approximately 20% of all funds. The majority of industry funds are categorized in the grants and donations segment and the programs and meeting segment. Collaborations with industry generally fall in the former segment while the majority of industry funding in the later segment comes from FNCE registration for exhibitors.

Figure 2. 2006 ADA Funding Percentages



### **ADA Journal**

- Since the Bayh-Dole Act of 1980, researchers have increasingly grappled with issues prompted by industry funding in the laboratory. Concomitantly, the scientific literature during the past two decades is replete with analyses of these funding issues. Although the relationships with industry have much static around them, the constant is that researchers must stay in control of their work efforts, as well as how the results are presented in order to ensure they are devoid of bias.
- The *Journal* staff is aware of and abreast of these issues, and has strict policies for such relationships. Relationships with industry are a viable method to fund and disseminate valuable dietetics, food, nutrition, and health information to our members, who in turn, use their expertise to interpret and pass this information on to their clients and the public.
- The *Journal* interacts with industry in two ways:
  - Through advertising in the *Journal*.
  - Through sponsored supplements to the *Journal*.
- Although the two interactions are quite different in their scope and purpose, a strict review, disclosure, and control policy is in place for each. Briefly:
  - The *Journal* does not endorse products, and this is so stated in each issue in front material. All advertisements are reviewed for false claims or inappropriate content. Advertisers are required to support claims made. It is up to the professional judgment of the *Journal* reader if he/she wishes to purchase/utilize the product or not.

- All supplements are subject to the same policies as the "regular" *Journal*. This involves *Journal* peer review and disclosure of funding sources and authorship.

### **FNCE**

- Regarding sponsorship and grants for educational events, ADA, at the national level, requires all educational session participants to acknowledge and sign both a commercialism policy and a disclosure of interest statement
- The commercialism policy is reviewed annually by the FNCE Program Planning Advisory Committee and is also reviewed and approved by the Professional Development Committee. Any speaker or participant found to be in a violation of this commercialism policy is notified in writing and may be hindered from participating in future events based on the violation.
- Signage regarding sponsorship is typically placed outside the session room and/or in printed materials. Individual members have a personal choice to not attend an event based on sponsor and content or individuals have an option to attend and ask speakers direct questions during the Q&A segment of the event.
- The role of FNCE's expo is to provide attendees a fair and competitive marketplace with which to make purchasing decisions. As ADA does not produce the state association meetings, the ADA does not control state-level expositions. The exhibiting of products by a company at FNCE does not constitute an endorsement by the American Dietetic Association. Exhibitors are not permitted to represent that the Association has endorsed their goods or services.

### **Commission on Dietetic Registration**

- CDR, for its own programs, follows ADA policies and procedures regarding sponsorship. CDR does not impose these procedures on external organizations. However CDR CPE Accreditation Standards do require under standard ten that "Policies are established related to commercial support and full disclosure. The provider will have policies to disclose, in advance, any potential conflicts of interest including any source of compensation related to the program or materials. These policies will extend to instructors or individuals developing CPE materials".
- CDR has been approached by several food/beverage companies to sponsor CDR certificate trainings. Because of this, CDR conducted a survey of approximately 700 participants to determine how participants of certification programs feel about sponsorship (Appendix E).
- Respondents indicated that fitness/exercise products and weight management programs were most favored for types of products/services ADA/CDR should allow to participate in sponsorship activities. The least favored were soft drinks and sports drinks.

### **ADA Evidence Analysis Library (EAL)**

- The EAL has received support from many sources including ADA, ADA Foundation, Dietetic Practice Groups, CDR, Novartis, Nestle Nutrition, Center for Disease Control and Prevention (CDC), Paralyzed Veterans of America, and National Dairy Council. We also have several contracts and proposals pending (including Coca-Cola Communication Division, Beverage Institute, and Ross/Abbott).
- The amount of project support varies from \$5,000 (DPGs) to \$100,000+ (CDR, ADA Foundation).
- Groups are allowed to specify which evidence analysis project they are supporting – for example, the Paralyzed Veterans of America provided support (\$13,000) for the Spinal Cord Injury Nutrition Evidence Analysis project while Nestle Nutrition supported (\$15,000) the Critical Illness Evidence Analysis project.
- Sponsors are acknowledged in the Contributors section of the online Evidence Analysis Library – however they are listed by name only; no logos are permitted.
- Sponsors sign contracts that specify that ADA owns the copyright to all content and that they are not able to influence the research or analysis outcomes.

- The ADA conflict of interest policy is also shared with all volunteer analysts and work group members who work on the projects (who work in a variety of settings) and they sign conflict of interest statements, copyright releases, and also make any necessary disclosures.
- Limited information about disclosure and conflict of interest is available on the EAL website.

### **Industry Advisory Council**

- In 2005, the ADA Board of Directors approved, in concept, the creation of an Industry Advisory Council.
- The Industry Advisory Council will serve to advance the mission, vision, goals and objectives of the American Dietetic Association and the American Dietetic Association Foundation and be comprised primarily of Chief Executive Officers of companies whose business has an impact directly or indirectly on the profession of dietetics and the work of the American Dietetic Association.
- The Council will be asked to provide insight on the state of the profession, the general economy, the effects of changes in their business sector on the profession, ways in which the association and the foundation can develop more meaningful relationships with industry, suggestions on communications with industry and specific sectors, assist the various organizational units of the association in carrying out their mission, serve as a liaison from the Association to the business community, and foster the development of relationships that will improve the health of the public.

### **American Dietetic Association Foundation**

- The ADA Foundation raises approximately \$1.4 million annually. Corporate giving represents on average 30% of these dollars raised. Corporate grants support both the operations of the Foundation, through FNCE\* sponsorships (\$300,000), and the Foundation scholarship and awards program (\$200,000). The Foundation has recently achieved its first milestone in research fundraising by securing a total of \$1 million in support for the research endowment. This has been entirely funded by member contributions. This level of individual support has paved the way for ADAF to begin a more aggressive effort to raise industry funding as well. Morrison's Management Services has responded to the call for support with the first industry gift to the research endowment, a \$100,000 pledge. The Foundation also works with the Department of Research and Scientific Affairs at ADA to solicit corporate sponsorship for the recently created ADA Evidence Analysis Library (EAL). Companies like HealtheTech, National Dairy Council and National Cattlemen's Beef Association have all provided support or are exploring the opportunity at this time.
- Industry support for operations, scholarships and research (including EAL) does not obligate the Foundation in any way to provide companies anything beyond recognition for their giving and appropriate exposure (through such recognition) to our members. Individual giving contracts identify each of these opportunities. Industry funders, like individual funders, do not have the opportunity to play a role in the selection or to require first right of refusal related to research findings and publications.
- The Foundation selects each year a recipient of the ADAF Corporate Award. This award is presented during the Foundation Gala at FNCE and recognizes the outstanding contributions of an industry partner to the mission and vision of the ADAF.
- The Foundation bylaws allow for service by up to 6 (of the eligible 13 slots) public members on the Foundation Board of Directors. These public members often represent industry partners who have supported the Foundation over the years or have the potential for future giving. Current public members represent Sodexo, Ecolab and Cargill. The Foundation recently enjoyed the service of its first public member, Mr. Al Cassidy, Director of Professional Relations for Mead Johnson

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\* The Foundation abides by the same policies and procedures as ADA in terms of accepting sponsorships at FNCE. Sponsors must be exhibitors.

Nutritionals. MJN is one of the Foundation's longest standing and largest scholarship funders. In addition to an annual gift of \$32,000, MJN underwrites all of the expenses associated with the scholarship selection committee meeting and hosts the event in their headquarters town, Evansville, Indiana.

#### **Question #4: What ethical/legal implications, if any, surround the issue?**

##### **Code of Ethics Principles<sup>24</sup>**

- The following principles from the ADA/CDR Code of Ethics should be considered when contemplating relations between dietetics professional and industry:
  1. The dietetics practitioner conducts himself/herself with honesty, integrity, and fairness.
  2. The dietetics practitioner practices dietetics based on scientific principles and current information.
  3. The dietetics practitioner presents substantiated information and interprets controversial information without personal bias, recognizing that legitimate differences of opinion exist.
  5. The dietetics practitioner recognizes and exercises professional judgment within the limits of his/her qualifications and collaborates with others, seeks counsel, or makes referrals as appropriate.
  8. The dietetics practitioner provides professional services with objectivity and with respect for the unique needs and values of individuals.
  12. The dietetics practitioner is alert to situations that might cause a conflict of interest or have the appearance of a conflict. The dietetics practitioner provides full disclosure when a real or potential conflict of interest arises.
  14. The dietetics practitioner promotes or endorses products in a manner that is neither false nor misleading.
- The operant principles embodied in the code of Ethics relevant to decisions about conflict of interest are: furthering scientific knowledge, presenting substantiated information without personal bias, recognizing and exercising professional judgment, making referrals as appropriate, providing information to enable clients to make their own informed decisions, and providing professional services with objectivity.

##### **Individual Dietetics Professionals' Responsibilities<sup>25</sup>**

- Perceptions or allegations of impropriety affect us as individuals as well and can adversely affect our credibility with the public as unbiased sources of information about food, health promotion, disease prevention, and medical nutrition. Health care professionals have an ethical responsibility to the health of their clients and patients and to act in the client's best interest; corporation's responsibilities are not always as clear cut and include abiding by government regulations as well as company profitability.
- In general, dietetics professionals should not accept gifts, hospitality, services or subsidies from industry if the circumstances would compromise or appear to diminish their objectivity.
- Dietetics professionals can ethically act as consultants and speak on behalf of a company or product as long as they retain control over the content and disclose their relationship with the company. ADA's policies fulfill what is generally accepted practice in biomedical research and dietetics practice today.

##### **Obligation to the Public<sup>2</sup>**

To be successful, nutrition authorities must understand and apply different models of relationships. Participants must learn new ways of thinking about management. Partners must be flexible and innovative in leveraging their resources for the public good. Those who adapt can find new solutions to old problems

in nutrition intervention — solutions that benefit the partners and the public. Relationships with food industry representatives, however, are critical to successful nutrition intervention because their actions affect the quality and availability of foods and influence consumer food choices.

### **Creating Mutual Trust<sup>2</sup>**

Partnerships depend on trust. Initially, trust is built on the personal relationships between partner representatives. Candid early discussions not only define the project's parameters, but also clarify the proposed actions of the nutrition authority and the food industry representative. Working together gradually dispels common stereotypes and misperceptions. “Partners will work through differences to the extent they feel valued and respected for what they bring to the relationship. Stereotyping polarizes the partners, setting up an us-versus-them dynamics that undermines the desire to collaborate”<sup>2</sup>.

### **Employer Policies**

It should also be noted that many employers actively seek and participate in sponsorships from, collaborations, and licensing opportunities with industry. These institutions should have their own policies and procedures for relations with industry. Individuals employed by such institutions are bound by the policies of their institution.

### **Legal Implications**

- The ethical concerns expressed above are strongly suggestive of corresponding legal issues. A practitioner whose relationship to industry is found to be unethical in its disregard of professional duties in favor of industry interests might easily result in the revocation of the practitioner’s licensure and CDR accreditation. Moreover, in the extreme case, the practitioner may be found to have breached his or her duty to her client or patient by permitting judgment to be influenced by financial interests. A client or patient whose condition worsens, or who simply wishes to obtain a refund of any fees paid, may be in a position to allege malpractice or simply to recover the fees. Any time a practitioner’s judgment or professional opinion is compromised, there may be legal consequences.
- Similarly, if the individual or ADA were to initiate or maintain an unduly close relationship to industry, without preserving appropriate integrity and independent judgment, it is possible that the practitioner or the organization might be found to have endorsed, sponsored or participated in the activities of the industry entity. If so, they might be found to be part of a joint venture or true partnership with the industry entity, and thus be jointly or severally liable for any acts or representation by the entity. An endorsement of a manufacturer’s food products, for example, may result in shared liability if the claims about the food product prove to be false or misleading or if the product proves to be faulty.
- Finally, the ADA owes a high duty of care to its members. It is essential, in discharging that duty, that ADA avoid situations or relationships that will adversely affect the reputation and credibility of the profession, the members, and the association itself. The association must, in all instances, conduct itself with due regard for these interests, and its decisions as to what industry relationships are appropriate must always be guided by the mission and values that the membership has established for it.

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