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Divided We Stand: Exploring the Alcohol Industry Framing of the Alcohol (Minimum Pricing) (Scotland) Act Consultation.

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ABSTRACT

The policymaking process is complex and fraught with challenges. The challenges and complexities make the process prone to contestation and capture by vested interests. Recent studies on the alcohol industry and their involvement in alcohol policies highlight the use of frames and framing (i.e. linguistic devices) as industry strategies for influencing alcohol policy processes. The frames used by alcohol industry actors in recent policy debates reflect and acknowledge cleavages and fragmentation within the industry. They also signal that cleavages within an industry can, in turn, affect their reputation and legitimacy. But is this always the case? As such, this study, takes frames, framing, and their possible implications seriously, and explores the role frames and framing play in contested and complex policy spaces, which are likely to be fraught with cleavages. Drawing from the Alcohol (Minimum Pricing) (Scotland) Act which was highly contested, first amongst industry actors and then between industry actors and policymakers, this study seeks to unravel the role frames and framing play in: (1) the construction and constitution of cleavages, and (2) the maintenance of intra, inter, and extra-industry legitimacies, despite strong contestations. Scotland offers a fertile ground for the study because in recent years, Scotland, under the Scottish National Party (SNP) government, has introduced many public health driven policies. Scotland has also gained traction as a global pacesetter in public health policies.

The data sources used in this thesis comprise of documents and semi-structured interviews. The data was analysed and interpreted using a theoretical approach to thematic analysis guided by frame theory and legitimacy theory. The study found that: (1) a discursive approach to deconstructing industry cleavages overcomes some of the challenges inherent in the conventional functional and structural approaches to understanding cleavages, and offers further insights on interest-based cleavages; (2) actors in a policymaking process use frames and framing to simultaneously contest and collaborate; and the ability to create a balance between contestation and collaboration is critical in constructing and maintaining both intra and inter industry legitimacy; (3) the government adopted various complementary discursive strategies that helped to sustain the alcohol industry's legitimacy; (4) cleavages do not often negatively impact on intra-industry cohesion nor the industry ability to work with the government, as previous works tend to suggest. Based on this finding further policy recommendations were advanced.

Divided We Stand: Exploring the Alcohol Industry Framing of the Alcohol (Minimum Pricing) (Scotland) Act Consultation.

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2020

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LIST OF ABBREVIATIONS

ABI - Alcohol Brief Intervention

AHRSE – Alcohol Harm Reduction Strategy for England

BBN - Best Bar None

BBPA - British Beer and Pub Association

BCSFA - British Columbia Salmon Farmers Association

BID - Business Improvement Districts

CAMRA - Campaign for Real Ale

CAPs - Community Alcohol Partnership

CDA - Critical Discourse Analysis

CEBR - Centre for Economics and Business Research

CPA - Corporate Political Activities

CPI - Consumer Price Index

CSR - Corporate Social Responsibility

DoH - Department of Health

ECAS - The European Comparative Alcohol Study

EU - European Union

FC - Finance Committee

GDP – Gross Domestic Product

HSC - Health and Sports Committee

IARD - International Alliance for Responsible Drinking

IAS - Institute for Alcohol Studies

IBIC - Issue Based Industry Collective

ICAP - International Centre for Alcohol Policies

IFS - Institute of Fiscal Study

MNC - Multi-National Companies

MSP - Member of Scottish Parliament

MUP - Minimum Unit Pricing

NACM - National Association for Cider Makers

NGOs - Non-Governmental Organisations

NHS - National Health Service

PHRD - Public Health Responsibility Deal

RPI - Retail Price Index

SABMiller - South African Breweries and Miller Brothers

SBPA - Scottish Beer and Pub Association

ScHARR - The School of Health and Related Research

SGAIP - Scottish Government Alcohol Industry Partnership

SGF - Scottish Grocers Federation

SLTA - Scottish Licensed Trade Association

SNP - Scottish National Party

SAO - Social Aspect Organisations

SPICe - Scottish Parliament Information Centre

SRC - Scottish Retail Consortium

SWA - Scottish Whisky Association

UK - United Kingdom

WHO - World Health Organisation

WSTA - Wine and Spirit Trade Association

WTO - World Trade Organisation

STATEMENT OF COPYRIGHT

ACKNOWLEDGEMENTS

I extend a special thank you and gratitude to my husband Professor Kenneth Amaeshi who encouraged me to embark on this life-changing journey in my quest for more knowledge. You have supported me in many ways throughout this endeavour, through your loving but constructive criticism of my work to the early morning naggings – "tell me about your findings", and the many "and so what?" questions. In hindsight, those questions were for the greater good and helped me to accomplish my dreams.

I acknowledge my children, Amanda, and Jeffrey, for their love, support, and patience. They were very understanding especially when my time and energy could not be focused entirely on fun activities. My special thanks to my parents, especially my Mum for her continued support and prayers. The completion of this thesis I know would have brought you so much joy, but sadly you are not here to celebrate this achievement with me. You remain forever in my heart.

I thank my supervisors Professor Fiona Measham, Professor Ian Greener, Dr Samantha Hillyard and Dr Kate O'Brien for their guidance, persistence, and encouragement at different points through my study. You all gently but resolutely pushed the edges of my thinking, and this ultimately helped to shape my work. For this, I remain grateful. I would also like to thank Dr Paul Hegarty for the insightful feedback given on some draft chapters of this thesis. My sincere thanks go to my examiners Professor Roger Smith and Dr Ben Hawkins for their feedback on my first draft thesis and the opportunity to reformulate and redraft, bringing it up to a standard worthy of academic reading and scholarship.

To my sisters Mrs Chinyere Damron, Mrs Ngozi Izulu, and Mrs Akudo Atsomeh, my in-laws, my friends and extended family members, I say thank you for your encouragement, love, prayers, and for constantly checking in on my progress and urging me on with your kind words.

My ultimate thanks go to God Almighty, for His grace throughout this journey.

DEDICATION

To my mum…

Thank you for making me the woman I am today. Rest on, beautiful soul!

CHAPTER 1.   INTRODUCTION

1.1   Statement of Problem

Alcohol consumption has become part of the culture of many societies including the United Kingdom (UK) (Brand et al., 2007; Room, et al.*,* 2005; Nicholls, 2012). Although many individuals enjoy and consume alcohol responsibly, excessive alcohol consumption is harmful and is implicated in many disease conditions including cardiomyopathy, alcoholic gastritis, alcoholic liver disease, and alcohol induced chronic pancreatitis (Grant et al., 2009). Despite these risks and the prevailing health warning messages against excessive alcohol consumption (Chikritzhs et al., 2015), many individuals still consume alcohol in quantities that could be classed as harmful (Laranjeira et al., 2010; Carrington et al., 1999; Drummond et al., 2005; McManus et al., 2009).

Alcohol consumption in the UK has significantly increased, and this has been attributed to: changes in the Licensing Act, rising disposable income, increased affordability, and availability (Nicholls, 2012; Smith and Foxcroft, 2009a; National Statistics, 2007), as well as the influence of youth culture and advertising (Filmore, 1984; Smith and Foxcroft, 2009a and 2009b). The reasons why people drink, and perhaps continue to drink even when they are experiencing negative effects, are subjective, complex, contextual, and beyond the scope of this thesis to be dealt with in detail. Nevertheless, excessive alcohol consumption is a public health concern which the UK Government and governments of many nations are trying to combat, because it not only affects the consumer but also those around them indirectly (see Casswell, 2008). Governments around the world continually seek measures to control overconsumption and misuse of alcohol because of its effects on health and society. Some of the measures tried so far include state-control of alcohol production and retail (Ornberg, 2008; Alavaikko and Österberg, 2000); prohibition of alcohol use; and restrictions on the time and location of purchase (Österberg, 1992).

In recent years, governments have introduced and implemented policies aimed at curbing drink-driving, penalties for direct or ad hoc sales of alcohol to minors, restrictions on alcohol advertising, banning of alcohol sales below cost of duty, and use of Value Added Tax (VAT), amongst other measures (Nelson, 2006; Madureira-Lima and Galea, 2018). In addition, international research evidence shows that the best and most cost-effective approach for addressing alcohol related harm is adopting a population-wide approach that controls availability, marketing and price (Hawkins and McCambridge, 2020a; see also; Nelson et al., 2013; Stockwell et al., 2006, 2012a and 2012b; Babor et al., 2010; Wagenaar et al., 2009; Brand et al., 2007). However, despite the effectiveness of population-level alcohol policies, these measures are often resisted by economically powerful multi-national alcohol companies as they have the potential to impact negatively on their business and global brands (Hawkins and Holden, 2013; McCambridge et al., 2014). In that regard, alcohol industry actors are often not passive about these policies. They proactively seek to influence such policies to protect their interests and minimise their negative effects on the industry.

There is a growing literature (McCambridge et al., 2018, Mialon and McCambridge, 2018; Savell et al., 2016; Hawkins and Holden, 2013; Hawkins et al., 2012) that has looked at the different strategies adopted by the alcohol industry to influence alcohol policies. Some of these strategies include: lobbying government officials, ministers, and policymakers (Miller and Harkins, 2010; Holden and Hawkins, 2012; Drummond and Changappa, 2006; Holden et al., 2012; McCambridge et al., 2014); shaping opinions through strategic communication – especially the framing of alcohol issues (Holden and Hawkins, 2012; Hawkins and Holden, 2013; McCambridge et al., 2013; Katikireddi, 2013); research and political sponsorships (Hawkins and Holden, 2014; McCambridge et al 2014; Nicholls, 2012; Holden et al., 2012; Jernigan, 2012; Babor and Robaina, 2013; Babor, 2009; Drummond and Changappa, 2006; Anderson and Baumberg, 2006), and the strategic use of corporate social responsibility (CSR) initiatives to internalise their social costs through self-regulation (Mialon and McCambridge 2018; Babor and Robaina, 2013; see Johnston et al., 2019).

Mialon and McCambridge (2018), for example, conducted a systematic review on the impact of different alcohol industry CSR initiatives and harmful drinking on public health. They concluded that alcohol industry CSR initiatives are strategies usually adopted/implemented in response to anticipated regulatory threats or as an outcome of regulatory pressures, with the aim of reducing such threats. The public benefits of such CSR activities are said to be minimal, whereas the public relations benefits are substantial (Babor et al., 2018; Yoon and Lam, 2012; Hill, 2008). For instance, these CSR initiatives can confer, confirm, and/or contribute to the legitimacy of the alcohol industry (Mialon and McCambridge, 2018).

In addition, a systematic review by McCambridge et al. (2018) synthesised the alcohol industry actors' involvement in national and supranational policymaking. The authors found that the alcohol industry was engaged in shaping public opinion. The industry actors framed policy debates consistently to reflect their preferred policy options and adopted both short and long-term relationships with key policy actors using a variety of different organisational forms (see also Hillman and Hitt, 1999). Savell et al. (2016) also examined the alcohol industry efforts to influence alcohol marketing policy[1] and compared these strategies with those used by the tobacco industry. They found that industry actors in both sectors use frames as a key strategy to influence and shape policy negotiations. Similarly, a scoping review by Koon et al. (2016) on health policy process found that frames are increasingly used in health policy process by policy actors and these frames have impact on the policy process (see also Hawkins and Holden, 2014 and Katikireddi et al, 2014a). Frames, in the context of this thesis, refer to the language used by industry actors to effect policy change, and framing is the process through which this happens (Kuypers, 2010; van Hulst and Yanow, 2016).

Nevertheless, frames are developed and used by policy actors in different ways. Sometimes, they use them to offer alternate lens for understanding issues. Industry actors also promote certain frames in order to help diffuse tension, shape alcohol policy, and sway the government's decisions to their favour (Holden and Hawkins, 2012). For example,

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[1] Marketing policy is a form of regulatory threat which ultimately reduces product visibility to prospective customers and impacts on the industry's profitability and perhaps their legitimacy.

Greenaway (2011) explored how the 2003 Licensing Act, as a policy issue, was redefined during the policy process, thus shifting the debate to focus on the 24-hour drinking, and crime and safety in the night-time economy. Arguably, the framing of the Licensing Act 2003 gave way to different reframing by policy actors. Greenaway (2011) shows the volatility of the policy arena with different stakeholders producing multiple frames, which support their individual positions. Katikireddi et al. (2014a) explored the different frames used during the Scottish Minimum Unit Pricing (MUP) policy debate, their impact on the policy process, and the positions of the different alcohol stakeholders on the policy issue. Their findings showed that frames do impact on the policy process, with different stakeholders responding to and engaging with frames in different ways in order to reflect their interests. For instance, the alcohol industry actors who supported MUP adopted what the authors referred to as *hybrid framing* (Katikireddi et al., 2014a) – i.e. they maintained a combination of their original framing and some aspects of the framing propagated by industry actors in opposition – whereas the public health advocates redefined the policy issue by presenting a consistent alternative frame. This presentation (by public health activists), the authors stated, was intentional and helped prioritise public health consideration in the MUP policy debate (Katikireddi et al., 2014a). In a similar vein, Hawkins and Holden (2013) explored the alcohol industry actors' use of frames in the UK's alcohol pricing and promotions policy. In their study, the industry actors promoted frames which limit alcohol harm to a small minority of consumers, as well as frames that advocate targeted interventions, as opposed to population-wide solutions proffered by public health activists (Hawkins and Holden, 2013).

Some components of frames present as arguments. For example, Savell et al. (2016), studied the tactics and arguments used by the alcohol industry to influence alcohol marketing. The authors identified twenty arguments which they classified under five frames: regulatory redundancy, legal, unintended consequences, complex policy area, and insufficient evidence. These frames are similar to those observed in other studies on alcohol industry frames (see Hawkins and Holden, 2013; Katikireddi 2013; Katikireddi et al., 2014a) and show that the alcohol industry uses frames which resonate with the public with deep cultural meaning that surpasses the intentionality of the frame (Dombos et al., 2012). The common

point in the studies examined above shows the relevance of frames during the policy process. These findings signal the importance and relevance of frames and framing as devices for influence in policy debates. Frames, as used in policy documents and during the policy process, are important because they can proffer treatments/solutions and change the course of the policy debate (Entman, 1993). Frames are not necessarily neutral; they are agentic (Koon et al., 2016).

Beyond the industry use of frames to protect and pursue their interests, frames, as used by industry actors, can also highlight differences amongst industry actors, which can lead to divisions and cleavages (see Holden et al., 2012; Katikireddi et al., 2014a). Cleavages in policy terms are the divisions observed between firms on a policy issue. They involve breaking ranks with other members of a group and are said to emerge when firms lack the ability to adopt a clear and coherent position on an issue. This can occur within and between organisations from the same industry (see Holden et al., 2012; Winn et al., 2008), as well as between economic and political actors, especially on trade issues (see Beaulieu, 2002; Kim, 2017). For example, Holden et al. (2012) found a divergence of interests amongst and within alcohol industry actors during the MUP debates. The authors concluded that despite the divergence, industry actors cooperate through the actions of their trade representatives where they have shared interests and clear advantages. In the case of shared interests, they allow the best-placed trade representatives to lead on the issue. They use their trade associations to neutralise and harmonise their differences.

However, industry cleavages in policy negotiations, can lead to inconsistent or poorly articulated messages to the government on an issue, which in turn might make it difficult for the government to tackle the issue at hand and decide/agree on a strategy that encompasses all concerns (Pekkanen, and Solis, 2004). On a broader scale, they can also threaten an industry, which might lead to a loss of both legal and social legitimacy (Suchman, 1995; Winn et al., 2008; Messer et al., 2012; Brooks et al., 2017) over time, especially in controversial industries (Buckton et al., 2019; Vollero et al., 2019).

Legitimacy is a generalised perception or assumption that the actions of an entity (organisation, industry, or government) are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions (Suchman 1995: 574; see also Deegan, 2002; Hoefer and Green, 2016). Organisations seek legitimacy for many reasons including for continuity, credibility, and for passive or active support from the government (Aldrich and Fiol, 1994; Tilling, 2004; Suchman, 1995). Legitimacy is, however, not fixed; it can be challenged at any point in the lifetime of the organisation. Therefore, the organisation needs to be proactive and keep abreast of what is going on within society (Deegan, 2006; Tilling, 2002; Suchman, 1995), or face being delegitimised. Legitimacy, in the context of this thesis, is about the alcohol industry's attempts to establish/construct their legitimacy in the eyes of their significant others i.e. the Scottish Government, and thus be able to continue with its business practice and be seen to be relevant in the alcohol policymaking process. This thesis also considers the concept of intra-industry legitimacy, which is where organisations within an organisational field confer legitimacy upon each other through endorsement (Deephouse et al. 2017). It is this legitimacy that enables an industry to continue to collaborate in other ways i.e. inter-industry trading, despite their cleavages on policy issues which concern their industry.

Companies such as alcohol, tobacco, oil and gas, gambling, forestry, and fishing, frequently find their organisations legitimacy challenged by policymakers and society, and sometimes this happens on a global scale (Palazzo and Scherer, 2006; Du and Viera Jr, 2012; Moerman and Van der Laan, 2005; Malone et al., 2012; Comyns and Franklin-Johnson, 2018; Winn et al., 2008). Such companies need to adapt or suffer negative impacts, which may include divisions and loss of reputation/legitimacy. For example, the study by Winn et al. (2008) on the forestry and fishing (salmon) industries in British Columbia finds that competitive reputation management strategies adopted by actors from both industries did not help to alleviate their legitimacy/reputational woes. The forestry and fishing industries faced increased threat to their legitimacy, which resulted to further industry division.

Unsurprisingly, research on cleavages and the alcohol industry has focused on establishing the presence and classifications of cleavages (Holden et al., 2012) and how divisions between various industry actors impacted their ability to organise collectively to influence policy (Christiansen and Kroezen, 2016). Although cleavages can impact on an industry's reputation[2] (see Winn et al., 2008), it seems the two can also coexist (Hoffman, 1999), which is rather paradoxical (Ferns et al., 2019; for more on paradox, as an emerging literature, see Hahn et al., 2015). The paradox here lies in the concept of inclusion, as part of an industry sharing similar identity, and also the need for the individual organisation to distinguish themselves for survival amidst competition. Legitimacy and reputation are both perceptions of approval of an organisation's action based on their stakeholders' evaluation (King and Whetten, 2008). Although their assessments are different, King and Whetten (2008) argue that they arise from common social comparison processes and thus can be said to go hand in hand[3]. Based on this, this thesis postulates that the observed cleavages within the alcohol industry would impact on their legitimacy, as industry actors are seen to *oppose* a government policy that has the potential to impact positively on the health of harmful and hazardous consumers, as well as society as a whole. Such opposition carries with it the dangers of de-legitimation (see Malone et al., 2012; Winn et al., 2008).

Nonetheless, the literature search on the alcohol industry reveals a dearth of knowledge on the impact of the observed cleavages on the industry's legitimacy. One gets the view that there is a settled understanding in the literature that cleavages do not negatively impact on an industry's legitimacy. This is rather puzzling given that cleavages are in themselves products of interest-powered contestations and struggles. What then could be neutralising the potency of cleavages to produce industry de-legitimation in the policy making process? Given the demonstrable and significant role of frames as devices for influence in the policymaking process, and what we know of frames so far, one wonders if frames contribute

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[2] Reputation is a perception that organisations are positively distinctive within their peer group (King and Whetten, 2008).

[3] That is, the relationship between positive reputation and legitimacy are complementary, reciprocal, and interdependent as opposed to antagonistic and one-sided. Reputation is an organisations unique feature whilst legitimacy is a shared feature (King and Whetten, 2008).

to the maintenance of legitimacy despite the presence of cleavages. This interrogation leads seamlessly to the question:

(How) can industry actors use frames to uphold their collective legitimacy, irrespective of disagreements and cleavages, during and after a major policy negotiation with the government?

This is the central question upon which this thesis is built. The study will draw mainly from the Alcohol (Minimum Pricing) (Scotland) Act – onwards referred to as MUP – to explore this question. The choice of this policy is not arbitrary – the rationale behind this choice is explained in the next section below. The concept of cleavages, as used in this thesis, refers to disagreement between and within the different sectors of the alcohol industry, and between industry actors and the government.

The *aim* of the thesis is to advance the understanding of cleavages, expressed as frames and as a corporate tool used by the alcohol industry in the face of increased regulatory threats, and their potential in the maintenance of industry's collective legitimacy. The *objectives* of this research are: (1) identify and collate texts submitted by the alcohol industry actors to the MUP policy consultation, (2) identify the different frames used by the alcohol industry actors, (3) understand the implications of the frames for industry cohesion and legitimacy, (4) ascertain why industry cleavages did not result to loss of industry reputation and legitimacy, (5) identify any strategies that could have contributed to upholding the industry's legitimacy, (6) collect additional/necessary policy documents/data that could help explain the result – i.e. conduct interviews with alcohol industry actors and policymakers, and (7) highlight the contribution the thesis makes to the wider literature on the alcohol industry, Scottish alcohol policy, alcohol framing, legitimacy, and legitimation.

The rest of this chapter is structured thus: (1) the rationale guiding the choice of policy is presented, with an up-to-date summary of the relevant literatures the thesis draws on, (2) a summary of the theoretical perspectives and a brief summary of the methods adopted in

answering the set research question, and (3) a brief discussion on the thesis structure which provides a summary of the chapters.

1.2   Why Study the Alcohol (Minimum Pricing) (Scotland) Act? And the Anticipated Contribution of the Thesis.

The Alcohol (Minimum Pricing) Scotland Act is an interesting policy to study because it is the single biggest policy that has threatened the stability of the alcohol industry since the start of the millennium. The Bill has been highly controversial, first between the policy actors, then between policy actors and industry actors, and finally between the alcohol industry actors. These disagreements make the policy issue interesting to study and it is interesting to see how the different interactions over the policy period and the interests that emerged were sustained and reconciled for the good of the public health. The MUP policy attracted fierce criticism from various stakeholders and received widespread media attention, which contributed to the controversy surrounding the policy issue. The policy is also interesting to study as it highlights the inherent challenges of devolved administrations and how interests between policy actors are managed whilst preserving the legitimacy of the different actors involved during the debate. However, pricing is at the heart of this policy.

Pricing strategies for alcohol have been tried and tested in British Columbia in Canada for over 20 years (Stockwell et al., 2012a) and some form of alcohol tax exists in Thailand (Sornpaisarn et al., 2011). There is strong evidence that increasing alcohol prices lead to decline in both demand and consumption (Stockwell et al., 2012b; Karpoff, 1987). Similar pricing strategies are known to have existed in some Nordic countries[4] (except for Denmark[5]) in the 1990s (Horverak and Osterberg, 1992; Olsson et al., 2002). Alcohol sales in these Nordic countries were primarily under state ownership, in an attempt to reduce the

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[4] Iceland, Finland, Norway, and Sweden. Finland and Sweden are now formal members of the EU whilst Iceland and Norway are part of the EU single market only (Ugland, 2000).
[5] Denmark had high tax policies aimed at limiting the consumption of spirits and has maintained its alcohol taxation despite the EU and its single market policies.

alcohol consumption rate. However, the European Union (EU) single market led to the relaxation of the state control of alcohol sales and the introduction of minimum excise duty rate (see Ugland, 2000).

The Scottish alcohol MUP Bill was first discussed in Scotland by the minority Scottish National Party (SNP) government in 2007 in response to Scottish [domestic] drinking practices and the resulting negative health consequences. The Bill aimed to **introduce a pricing mechanism as a mandatory condition for premises' licences and occasional licences** (Scottish Government website, March 2009). The MUP as part of the Alcohol Etc (Scotland) Act was opposed by the Labour Party in 2010 and the Act failed to pass into law (Hawkins et al., 2012; Hawkins and McCambridge, 2019). The MUP component was re-introduced in 2011 as a standalone policy following the election of a majority SNP government into Scotland's alcohol policy agenda with a proposed set price of £0.50 per unit of alcohol. The Alcohol (Minimum Pricing) (Scotland) Act was passed on May 24, 2012, received Royal Assent on June 29, 2012, and became law on May 1, 2018 (Parliament. Scot; The Telegraph News, 2018). The controversy surrounding the MUP policy persisted despite being passed into law. The Scotch Whisky Association (SWA) put forward a legal challenge and this resulted to a six-year court battle and a delay to implementation of the policy.

The Scottish MUP policy deliberations have attracted significant academic attention and are widely researched (see Katikireddi et al., 2014a; Hawkins and Holden, 2013; Holden et al., 2012). The study by Katikireddi et al. (2014a) reported a division amongst the policy actors and also a division amongst the alcohol industry actors on the proposed bill. The authors used political argumentation framework to investigate the relationship between competing frames and their influence on policy debate. In discussing the differences in frames by industry actors, Katikireddi et al. (2014a) categorised the industry actors based on their sector/structure. In a similar, but earlier study Hawkins and Holden (2013) analysed the submissions made to the consultation on the Scottish Government's (2008) Green Paper Changing Scotland's Relationship with Alcohol and thirty-five interviews with policy actors, including the alcohol industry. They adopted the naming and framing approach to frame

analysis set out by Schön and Rein (1994) to map the different positions adopted within the alcohol industry on the minimum-pricing debate, and found that alcohol industry actors framed the policy debate in ways consistent with their underlying commercial interests. Holden et al. (2012) in a similar vein analysed publicly available documents and thirty-five semi-structured interviews in 2010 drawn from industry and non-industry policy actors. The study found that industry actors had divergent interests between and within the different sectors and evidence of ad-hoc cooperation on specific issues especially through their trade representatives.

The studies by Hawkins and Holden (2013) and Holden et al. (2012), like Katikireddi et al. (2014a)'s analysis of the industry actors' submission, focused on the structural differences between industry actors. However, all three studies emphasised the importance of framing in policy debates. This thesis complements these previous studies and hopes to extend them by going beyond the sector/structural divide and categorising industry cleavages based on the industry actors' interests, as reflected in the language used. It hopes to achieve this by collecting and analysing all the identifiable written and oral evidence submissions made by alcohol industry actors during the MUP policy deliberations and other policy documents, including the Health and Sports Committee (HSC) and the Finance Committee (FC) reports to the Scottish Parliament, the transcript of Parliamentary deliberations on MUP, and conduct interviews with industry representatives and policymakers.

Cleavages are thought to have implications for industry legitimacy (Buckton et al., 2019; Vollero et al., 2019). However, the process through which this happens is relatively and arguably underexplored and hence the relevance of this thesis. This thesis hopes to interrogate the data collected and understand the perceptions and implications of cleavages on the alcohol industry actors legitimacy. Given the nature of the research question this thesis sets out to answer, which focuses on frames as a potential strategy for constructing industry legitimacy, this thesis hopes to bring together two theories - frame theory and legitimacy theory from different academic disciplines (particularly management/organizational and socio-political sciences), in a complementary manner to

understand how the industry actors construct the world around them when their existence and business practices are under scrutiny. Moreover, it could be argued that framing and legitimacy are closely connected. These theories underpin this thesis and are explored below.

1.3   Theoretical Perspectives

This thesis draws largely from frame theory and legitimacy theory, which are interlinked (Benford and Snow, 2000; Messer et al., 2012; Brooks et al., 2017; Suddaby et al., 2017). Frames explain how individuals, groups, and societies organise, perceive, and communicate what is a reality; and frame theory suggests that how an issue is presented to the audience, influences the choices people make about how to process the information (Entman, 1993). Entman's approach to frame theory identifies and makes explicit the common tendencies among the various uses of the term *[frame]* and suggests a more precise and universal understanding of them. He defines a frame as the "ability to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described" (Entman, 1993: 52). This definition incorporates his four key frame elements – problem definition, causal interpretation, moral evaluation, and treatment recommendation (Entman, 1993). Based on this, he suggests an approach to framing, which is compatible with the interpretivist-constructivist epistemology and the social constructionist ontological view.

Legitimacy theory is a social construct (Deephouse et al., 2017; Deegan, 2002; Suchman 1995; Yoon and Thye, 2011) which reflects a congruence between the behaviours of an entity and the shared (or assumedly shared) beliefs of some social groups (Suchman 1995). Within the legitimacy theory discourse, organisations seek to ensure that they operate within the bounds and norms of their respective societies (van der Laan, 2009). Legitimacy theory, according to Suddaby et al. (2017), can be understood from three distinct paradigms:

(1) legitimacy as property, (2) legitimacy as an interactive process, and (3) legitimacy as a socio-cognitive perception. These paradigms of legitimacy draw from Suchman (1995)'s definition of legitimacy as: "Legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions" (Suchman 1995: 574). This thesis adopts the paradigm of legitimacy as 'perception' and reflects on Deephouse et al. (2017) and Suchman (1995)'s legitimation strategies for gaining, maintaining, and repairing pragmatic, moral, and/or cognitive legitimacy as a guide for matching industry actors' frames and actions to known legitimation strategies as proposed by Vaara and colleagues (Vaara et al., 2006; Vaara and Tienari 2008; Vaara and Monin, 2010).

Legitimacy as a perception explores not only the perceptual and subjective nature of legitimacy but also the social construction of legitimacy (Bitektine, 2011; Bitektine and Haack, 2015). According to Suddaby et al. (2017: 462), legitimacy as perception retains the components of legitimacy as property, but "adopts a metaphor of property as taste, assessment or judgement of the appropriateness of the organisation's product, practice or characteristics". This approach also retains the understanding of legitimacy as a process because it has its theoretical roots in the social construction of reality by Berger and Luckman, (1966). Legitimacy as perception focuses on the role of individuals in the process of social construction. As such, this thesis adopts the definition of legitimacy as perception

Studies on organisational legitimacy have often looked at legitimacy from the external stakeholders' perspective and have somewhat neglected the opinions of internal stakeholders (i.e. the staff and different organisations within an industry) and their perceived legitimacy for their organisation or those of their rivals. This thesis hopes to make a theoretical contribution by capitalising on intra-industry cleavages emerging from industry actors' frames and exploring its role through interviews with industry actors to ascertain intra-industry cohesion and perception of legitimacy following the outcome of the MUP deliberations. It is anticipated that these would enhance legitimacy theory by bringing to attention the idea that legitimacy can be conferred not only by external stakeholders but

also by internal stakeholders and by the organisations themselves on one another within the organisational field (see Deephouse et al., 2017). In addition, by analysing policymakers' reports, this thesis shows how policymakers use discursive legitimation strategies to preserve the legitimacy of the alcohol industry. That way, this study extends the works of Vaara and colleagues (2006, 2008, 2010) and van Leeuwen and Wodak (1999) on discursive legitimation.

1.4   Summary of Methods

This study adopts a qualitative method approach for answering the set research question and draws from an interpretivist-constructivist epistemology and social constructionist ontology. The empirical data for this study is derived from documents and semi-structured interviews. Examples of documents include industry texts submitted during the MUP consultation, policy reports from the committees, and transcripts of parliamentary debates and evidence sessions all collected from the Scottish Parliament website. Interviews were targeted at alcohol industry actors and Members of the Scottish Parliament (MSPs) who were members of the HSC and FC, respectively. The analytical method is thematic analysis which is guided by Entman (1993)'s frame theory; Deephouse et al., (2017) and Suchman (1995)'s take on legitimacy theory; and Vaara et al., (2006)'s discursive legitimation. The study of documents fits well with the research philosophical position, the data analysis methods, and the theoretical perspectives adopted.

1.5   Thesis Structure

This thesis is divided into ten chapters. This introductory chapter (**Chapter 1**) presents the research problem that the thesis seeks to answer, provides a rationale for the selected policy, gives a summary of the key literatures on which this thesis draws on, and a summary of the theoretical perspectives and methods guiding this thesis.

Chapter 2 *Research Context.* This chapter explores the challenges of alcohol in Scotland, in relation to the Scottish policy process, and the recent industry changes and developments. It reflects on some of the industry actors' CSR activities and involvement in alcohol harm reduction and presents a critique of the schemes. Understanding the policy process and the activities of the industry actors provides context for the thesis and help in understanding the findings of this thesis. Industry actors' participation in social responsibility schemes, active participation in the government's Public Health Responsibility Deal (PHRD) programme, and publicising the successes relating to these on their websites may suggest some form of self-regulation and quest for legitimacy.

Chapter 3 *Theoretical Underpinnings – Frame Theory and Legitimacy Theory*. This chapter reviews the literatures on frames, framing, legitimacy theory, and cleavages. The finding of this review points to the significance of framing in the policy formulation process. The chapter also explores the literature on alcohol policy studies and framing, with the aim to understand the types of studies that have been conducted and to identify any potential research gaps. The studies reviewed indicate that the alcohol industry is divided, and this is driven by the differences in their interests. These differences are evident in the language they used to represent themselves during policy negotiations in the bid to maintain their reputation and legitimacy. Next, the chapter examines legitimacy theory and the empirical utility of legitimacy, and explores the impact of cleavages on organisational legitimacy. Finally, the chapter reflects on the concepts of frames, framing, legitimacy, legitimation, and cleavages and their interconnections.

Chapter 4 *Methodology 1 – Philosophical Position and Data Collection.* This chapter presents the underlying research epistemology and ontology guiding the thesis, and the data collection methods. The data collection methods are documents and semi-structured interviews and the rationale for this selection is provided. This chapter discusses the document identification and selection process and the recruitment of interview participants.

Chapter 5 *Methodology 2 – Data Analysis.* The data analytical approach adopted is thematic analysis. In this chapter, a step-by-step guide of how thematic analysis is applied in this thesis using extracts from the data pool is presented for both frame theory and legitimacy theory.

Chapter 6 *Frames, Cleavages, and the Alcohol Industry.* This chapter sets out to address the research question on how the alcohol industry responded to the Scottish MUP consultation, the frames they used, and how cleavages were created and expressed through language. The chapter presents the positions of the industry actors on the MUP Bill using a structural or functional approach. It then takes the analysis a step further to understand how cleavages are expressed through frames used by industry actors. It shows the commonalities in industry actors' use of language that would otherwise not be captured using the structural or functional approach to cleavages. The chapter finds that the discursive approach to understanding cleavages has the effect of blurring the historical traditional divide between the industry sectors and the functional boundary lines, and allows for a more detailed understanding of cleavages.

Chapter 7 *We Love You Despite Your Shortcomings - Policymakers' Perceptions of Alcohol Industry Cleavages and Strategies Adopted to Prevent Delegitimation.* This chapter explores the impact of cleavages on policymakers in their deliberations. The study finds that industry cleavages did not significantly impact on the policymakers, the policy process, and/or on the alcohol industry's legitimacy. The chapter explores the strategies adopted by the policymakers which could have contributed to preserving the alcohol industry's collective legitimacy. The chapter concludes that the discursive approach to understanding cleavages has the potential to help diffuse the tensions associated with cleavages and mitigate against the loss of legitimacy from the policymakers.

Chapter 8 *Divided We Stand - Cleavages, and the Alcohol Industry's Strategies for Maintaining Collective Legitimacy.* This chapter focuses on how industry actors perceive each other's legitimacy and the strategies they adopt in ascribing or protecting each other's legitimacy in the face of competition. The chapter shows how industry actors use both

discursive and relational strategies in a complementary manner to prevent delegitimation and uphold the collective legitimacy of the industry.

Chapter 9 *Discussion.* This chapter brings together and discusses the findings of the thesis in relation to the research questions. It discusses the empirical contribution of the findings, the theoretical contribution to frame theory, and legitimacy theory, and the wider utility of the findings.

Chapter 10 *Conclusion.* This chapter summarises the thesis and reflects on the experience of conducting the research, (i.e. the research challenges, and my research assumptions in relation to my non-drinker identity), the implication for the thesis, and how these were managed. It highlights the limitations of the thesis and provides some recommendations for future studies.

CHAPTER 2.   RESEARCH CONTEXT

2.1   Introduction

This chapter helps to situate the research for a better understanding of the Scottish alcohol policy space, the alcohol industry, their use of frames, and overall strategy during the MUP policy deliberation. In this chapter, I present a broad view of the challenges of alcohol in Scotland and an overview of the Scottish Government alcohol policy process, with an emphasis on the MUP Bill. Next, a summary of the Scottish alcohol industry is presented, paying attention to the structure, capabilities, and growth. Finally, the chapter presents some of the recent changes and developments in the Scottish alcohol industry – including the current alcohol debate, the industry actors' position on MUP, their CSR schemes, and the alcohol harm reduction strategies they support.

2.2   Alcohol Consumption and Challenges within the Scottish Context

Concerns about Scottish alcohol consumption and its effect on health and wellbeing dates to the 18th century and perhaps beyond (The Scotsman, 2010). Alcohol-related deaths in Scotland since the 1980s has been on the rise and accounts for 1 in 30 deaths as of 2003 (NAIR, 2005: 36; Nicholls, 2014; Katikireddi et al., 2014b). Between the periods of 1987–1991 and 1997–2001, deaths from liver cirrhosis in men more than doubled in Scotland, to the highest rate increase in Europe (Leon and McCambridge, 2006; Nicholls, 2014), with a sevenfold higher rate in deprived communities compared to affluent areas (Leyland et al., 2007; Emslie et al., 2009). Between 1980 and 2000, the rate of hospital admissions increased more than fivefold from 120 per 100,000 to 649 per 100,000, with men twice as likely to be admitted as women. This has however changed with increased admission from acute

intoxication observed in young men and women, a rise in binge drinking[6], and an increase in unsupervised drinking amongst children aged between 12 and 13. Alcohol consumption is directly implicated in nineteen conditions including alcoholic cardiomyopathy, alcoholic gastritis, alcoholic liver disease, and alcohol induced chronic pancreatitis, and it is linked to fifty-three other disease conditions including certain cancers (Grant et al., 2009).

Alcohol affects the drinker and the society in three different but interconnected ways (Edwards, 1997; Edwards et al., 1995). The first way involves a physical, psychological, and sociological effect on the drinker (ONS, 2014; Holmes and Dale et al., 2014). The second involves acute events (for example, accidents) and the chronic consequences of alcohol to the individual drinker's health. The third considers the damage because of consumption to the individual drinker and harm done to others (Edwards, 1997; Kuntsche and Muller, 2012; Lyvers et al., 2010). These and many more have led to a rethink of alcohol policies.

Nevertheless, alcohol consumption contributes to social interaction and local life, and enhances the UK economy through the job provision and tax contribution to the UK Exchequer (Home Office, 2013; WSTA, 2013). In spite of the economic benefits derived from alcohol sales and consumption, most academics (for example Babor et al., 2003) and the government, see alcohol as a commodity which should be controlled. Babor et al. (2003) argue that alcohol should be controlled just like all drugs because of its harmful effects, and that the use of taxation is a beneficial side effect of a drug being legally controlled rather than being made illegal. Most industry actors and consumer groups see alcohol as a part of the UK culture with potential health benefits (Movva and Figueredo, 2012; Ronksley et al., 2011; Marmot et al., 1994). The health benefits associated with low alcohol consumption have been refuted in many studies (for example, Chikritzhs et al., 2015; Stockwell et al., 2016; Gakiduo, et al., 2018); this is, however, open to contestation (see Bell et al., 2017). Nevertheless, the advice remains that "future estimates of the alcohol-related burden of

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[6] Binge drinking is defined as an extended period of heavy drinking over several days, which is strongly associated with clinical definitions of alcoholism (Berridge et al., 2009; see also: Jellinek's 1960s classification; Wechsler and Austin, 1998) and often with intervening periods of abstinence (WHO, 1994).

disease and national drinking guidelines should no longer assume any protective effects from low dose consumption" (Chikritzhs et al., 2015) and that "alcohol control policies might need to be revised worldwide, refocusing on efforts to lower overall population-level consumption" (Gakiduo, et al., 2018).

From the 1990s, alcohol issues have also been conceptualised within a criminal justice framework with the introduction of terms such as surveillance, harm reduction, and community safety approaches, and policies focused on anti-social behaviour orders, fixed penalty notices, and the introduction of 'alcohol-free' zones in city centres (Berridge, 2009). Concerns with binge drinking are also thought to have led to the reform of the 2003 Licensing Act and the subsequent introduction of the Licensing (Scotland) Act 2005 and the MUP policy.

2.3   Scottish Policy Process

It is the responsibility of the Scottish Parliament to initiate, deliberate, and pass Bills[7] into an Act[8]. This process is known as the 'policy process'. Prior to devolution in 1999, "all Bills affecting Scotland were introduced in, and subject to the procedures of, the UK Parliament" (Scottish Parliament website). Some Bills were however limited in extent to Scotland, and others, which applied to the whole of the UK, had distinct provisions that are only applicable to Scotland. Notwithstanding, Scotland has since 1707 maintained a separate legal (including alcohol licensing) and education system. The Scotland Act 1998 established the Scottish Parliament (Holyrood) and gave it the power to legislate on certain matters referred to as devolved matters[9]. Other policy areas including trade and foreign affairs were however

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[7] A Bill is a proposal for a new law or a proposal to change an existing law. (Parliament.uk). There are four types of Bill – Public Bill, Private Members Bill, Private Bills and Hybrid Bill (see http://www.parliament.uk/about/how/laws/bills/) for the life-cycle of a Bill and definitions of the different types of Bill.

[8] An Act after obtaining a Royal Assent becomes an Act of Parliament and is Law which every citizen is bound to respect and obey (parliament.uk).

[9] For example: health; education; local government; home affairs (criminal and civil law, the prosecution system, and the courts) and the Police.

reserved to the UK Parliament (Westminster). Laws made by the Scottish Parliament are known as Acts of the Scottish Parliament; they apply only in Scotland and are expected to comply with the European Convention on Human Rights and with EU laws. The 1998 Act made provision for the legislative competence of a Bill to be challenged after it is passed, but before it can become law (Scottish Parliament website). It is on this basis that the SWA challenged the MUP Bill at a Court of Session in Edinburgh.

According to Cairney (2013), "the Scottish policy system was designed, in part, to diverge from 'old Westminster' – but the UK and Scottish policy styles are often rather similar". Some observed differences include the introduction of a Bill and the absence of a House of Lords in the Scottish parliament. In Scotland, new public Bills can be introduced by the government, Members of the Scottish Parliament (MSP), or the Convener of the parliamentary committee. All Bills are, however, subject to parliamentary scrutiny over three distinct stages, as set out by amendments made to the 1988 Act in 2012 and 2016 (see Figure 1 below). An additional fourth stage involves the "reconsideration" of a Bill by Parliament. This additional stage is required for Bills subject to challenge after being passed.

Notwithstanding, the Scottish (and the UK) policy process does not occur in a rational manner but instead is rather multifaceted and has been rationalised using different political theories (see Katikireddi et al., 2014b; Smith and Katikireddi 2013). As earlier stated, problems with alcohol consumption were on the rise and this was linked to the availability of cheap alcohol from large retailers. Scotland and the rest of the UK, like most other countries in Europe, were in a period of economic recession, and government action was required to curb the rising health care and social welfare bills associated with excessive alcohol consumption. This is what Kingdon (1984) referred to as convergence of policy streams which gives rise to 'policy window' (see also Hawkins and McCambridge, 2020b). A 'policy window' is said to be frequently exploited by policy entrepreneurs (for example, government officials, public health practitioners and industry actors) to promote preferred solutions (Cairney and Jones, 2016). The SNP explored this policy window and made reducing

alcohol consumption one of its election manifesto commitments in 2011 (SNP Manifesto, 2011).

Figure 1: Stages in the passage of a Scottish Public Bill.
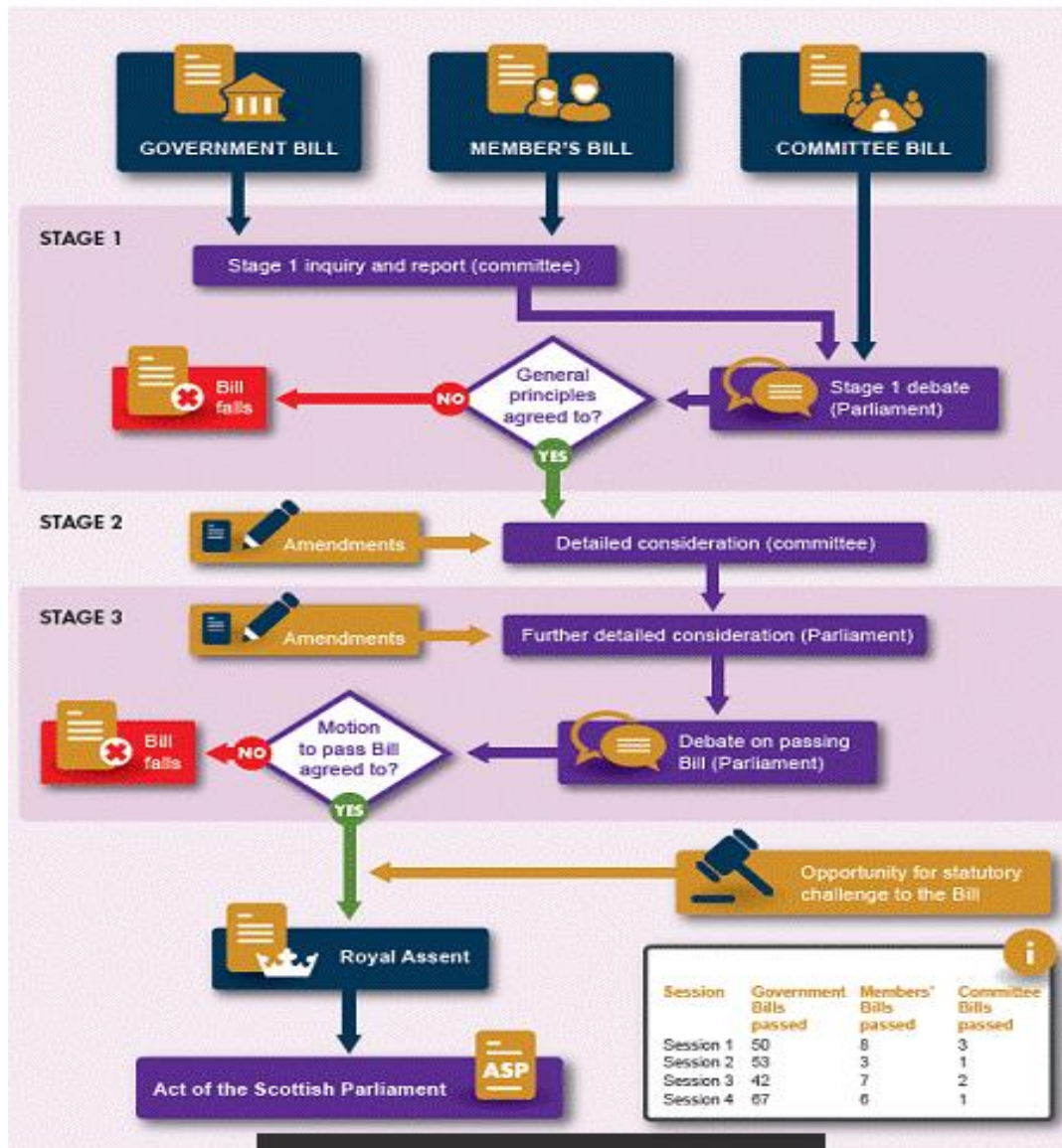
Source: Scottish Parliament Website [online]
http://www.parliament.scot/parliamentarybusiness/Bills/99986.aspx [Accessed, 05/04/2017]

As earlier mentioned, the Scottish parliament and policy process is said to be different to the Westminster parliament (Cairney, 2013), and one of this differences involves the use of communities of experts and policy committees made up of MSPs for policy deliberation (Cairney and Jones, 2016; True et al., 2007). In pursuit of an evidence-based approach, the Scottish Government commissioned a group of researchers at Sheffield University to study the link between pricing and alcohol consumption for different consumer groups (Angus and Holmes et al., 2016). This is an example of community of experts. The School of Health and Related Research (ScHARR) report produced models, which the Scottish Government and policymakers relied on during the MUP deliberations. Outsourcing policies in this manner is thought to bring about radical policy changes as the community of experts can reframe the policy problem to attract the attention of interested parties (Cairney and Jones, 2016). The use of parliamentary policy committees, such as the HSC, the FC, and the Subordinate Legislation Committee, for policy scrutiny and deliberations is said to free up time for the government to carry out other parliamentary business. These committees are explored further below.

2.3.1 Scottish Alcohol Policy Process: An Overview of the MUP Bill:

The Scottish alcohol policy process, like most other Scottish policies, follows three distinctive stages: the introduction, amendment, and the passage of the Bill, (see Figure 1 above and the Scottish Parliament, March 2012). The Scottish Government introduced its first post-devolution alcohol strategy in January 2002 and this heralded further alcohol policies including the 2003 Licensing Act, changes to the blood alcohol concentration limit for automobile drivers, the Licensing Act 2005, and the MUP. These policy initiatives faced fierce but mixed criticism from interested industry actors, amidst evidence presented by non-alcohol industry actors linking alcohol availability and affordability to increased consumption and harm (Chaloupka et al., 2002; International Centre for Alcohol Studies (ICAP), 2005). The alcohol MUP was a key aspect of the Licensing Act 2005, which aimed to introduce a pricing mechanism as a mandatory condition for premises' licences and occasional licences (Scottish Government website, March 2009). The MUP policy was first discussed in Scotland by the

minority Scottish National Party (SNP) in 2007 in response to Scottish [domestic] drinking practices and the resulting negative health consequences. McCambridge et al. (2014) argued that the election of the minority SNP government disrupted the longstanding relationship between alcohol industry actors and the Scottish Government. The Bill was opposed by the Labour party in 2010 (Hawkins et al., 2012) and following the election of a majority SNP government in 2011, MUP was reintroduced into Scottish alcohol policy agenda with a proposed set price of £0.50 per unit of alcohol. The idea of MUP was taken up by Westminster and other devolved administrations elsewhere in the UK, but Westminster later announced in July 2013 that the MUP policy would not be implemented, citing the need for more evidence on its effectiveness (Hawkins and Holden, 2013; Hawkins and McCambridge, 2020a; see also Godlee, 2014).

The MUP Bill is an executive Bill and was introduced in October 2011 by Nicola Sturgeon, the then Deputy First Minister. The Bill was accompanied by a Financial and Policy Memoranda in accordance with the Parliament's Standing Orders. This stage of the Bill includes the research briefing on the Bill by the Scottish Parliament Information Centre (SPICe) in January 2012 and May 2012 (stage 3). The second stage is the inquiry and committee stage. The Health and Sports Committee (HSC) was designated as the lead committee to oversee the consultation process of the Bill and report its findings back to Parliament (Scottish Parliament, March 2012). A sub-committee, the Finance Committee (FC) reported its views on the Financial Memoranda (FM) to the HSC. The FC sought the views of some organisations identified by the FM as being potentially affected by the Bill. The FC also heard evidence from industry actors. A third committee, the Subordinate Legislation Committee reported its finding on the Bill also to the Parliament. The HSC reviewed the submissions made by the different alcohol stakeholders and the public. It is at this stage of the policy process that alcohol stakeholders seek to influence the policy. The HSC also heard oral evidence. Understanding industry obstruction through framing can help anticipate and overcome that obstruction and a more nuanced understanding will help with overall policy progression. In addition, the input from different stakeholders helps moderate the policy process and

ensures that the concerns of all affected stakeholders are considered before the Bill is passed.

Following the receipt of consultation response from stakeholders and the oral evidence sessions, the HSC reviewed the evidence from the different stakeholders, made amendments, and produced a revised Bill. The revised Bill is then passed to the Subordinate Committee for further scrutiny and the amended Bill is then presented back to parliament and debated before being passed. The MUP Bill was passed on May 24, 2012, and received Royal Assent on June 29, 2012 (Parliament. Scot). The Scotland MUP Act became law from May 1st, 2018 (Scottish License Trade News, November 2017; The Telegraph News, 2018) following a six-year court battle with the SWA (Woodhouse and Ward, 2014; Woodhouse, 2017: 10). The court ruled in favour of the Scottish Government on November 15th, 2017, making Scotland the first country in the world to introduce a MUP for alcohol (Holden and Hawkins, 2016).

MUP was negotiated under Scottish devolved arrangements with restrictions as to their remit in applying pricing intervention at a population level (Holden and Hawkins, 2016; Katikireddi et al., 2014). This meant that MUP could be introduced as a devolved health measure that would impact Scotland, given the significant alcohol-related health inequalities between Scotland and the rest of the UK and other EU countries (Hawkins and McCambridge, 2020a; Leon and McCambridge, 2006).

Katikireddi (2013) identified devolution and the changing nature of the political institutions as an enabler, as well as a challenge, for public health advocates during the MUP negotiations. Policy negotiations can be facilitated or hindered by the presence of multi-level governance systems (see Cairney 2013; Hawkins and McCambridge, 2020a; Hawkins and McCambridge, 2020b). As earlier stated, the Scottish MUP was challenged by the SWA in the Court of Session Edinburgh and the court ruled in favour of the Scottish Government in May 2013. The SWA appealed the ruling in the Scottish Court of Appeal (the Inner House). Following the defeat at the Court of Appeal, the case was referred onwards to the Courts of Justice of the European Union (Inner House) in April 2014 for a preliminary ruling on the

points made in relation to the EU laws (Holden and Hawkins, 2016; Hawkins and McCambridge, 2020a). In December 2015, the Court of Justice referred the case back to the Court of Appeal, which upholds the initial ruling of the Court of Session and made MUP legal in October 2016. The SWA again appealed the decision at the UK Supreme Court, which again in November 2017 upheld the ruling of the Scottish Courts (Holden and Hawkins, 2016). The venue-shifting tactics adopted by the SWA were made possible by the multi-level governance system adopted for when policy issues cross over between policy jurisdictions. The multi-level governance system makes it possible for policies to be disputed and for decisions made on a policy issues in one policy arena to impact directly on policy decisions in others (see Ackrill and Kay, 2011). Multi-level governance is therefore double edged in the sense that it creates "additional capacity for policy development", and also "new additional veto points at which policies may be challenged and blocked" (Hawkins and McCambridge, 2020a: 29). The authors state that this could slow down the policymaking process and "make policy change harder to achieve"(see also Hawkins and McCambridge, 2020b; Hawkins et al., 2018; Hawkins and Holden, 2016; Holden and Hawkins, 2012 on venue shifting and multi-dimensional lobbying strategies). These literatures on multi-level governance are relevant to the current study given the delay in the implementation of the MUP policy and also for understanding the challenges of the devolved administration (Hawkins and McCambridge, 2020b). Despite an end to the long legal battle, and the implementation of the MUP Scottish Bill, the debate is however far from being over as both industry actors and public health advocates wait patiently for the evaluation of MUP.

2.4   The Scottish Alcohol Industry

The alcohol industry, in broad terms, refers to corporations engaged in the development, production, distribution, packaging, marketing, and sales of alcoholic beverages and their representative trade associations (O'Connor, 2018, IAS, 2016; Jernigan, 2008). The alcohol industry is traditionally divided into three categories of producers (based on their products – beer, wine, and spirits) and two categories of retailers (on- and off-trade) (Jernigan, 2008).

Historically, there have always been strong boundaries between these categories (Christiansen and Kroezen, 2016) and these boundaries became more evident following industrialisation. For example, in the pre-industrialised era, the brewing, sales, and consumption of ale were merged. Brewing ale was predominantly done by women at home for family consumption before safe water and the excess was sold (Harrison, 1971). Home brewing of ale was a gradual process before it became commercialised, shifting from home to the workplace, and then the gradual detachment of breweries from public places of consumption which were created predominantly for men (Harrison, 1973; Hey, 1986). These changes are said to be driven by legislative, political, and economic interests (see Harrison, 1994; Warner et al., 2001).

Within the industry, there are also trade associations. Trade associations for the purpose of this thesis, are classed as industry actors because they are funded by their members (i.e. the alcohol producers and retailers), act as a governing body and informal regulators to their members, seek to influence policy decisions to the benefit of its members, and provide legitimacy (Rajwani et al., 2015). Trade associations are often able to influence policy debates more effectively than individual companies acting unilaterally, and their responses often represent the collective views of their members (Rajwani et al., 2015). Nevertheless, alcohol-producing companies remain the most prominent industry actor during alcohol-related policy debates, especially the global Multi-National Companies (MNC) (Aggarwal et al., 2011).

In discussing the Scottish alcohol industry, this section focuses on the producer sector of the industry (distillers and brewers) due to available data for measuring their economic impact. Scotland's brewing and distilling sectors play a vital role in the Scottish economy and Scotland is the whisky capital of the world, with hundreds of years of distillery expertise (O'Connor, 2018). The spirits industry contributes approximately 3% to total Scottish Gross Domestic Product (GDP), compared to 0.3% from the brewing sector (O'Connor, 2018). Scotland has the greatest concentration of whisky producers in the world and had £4.37 billion in sales of scotch whisky exports for 2017 (O'Connor, 2018). The scotch whisky and

gin sector has seen massive growth over the years compared to the brewing sector whose increase has been in the growth of micro-breweries in response to localised consumers choice in more expensive specialised beers (O'Connor, 2018).

Scotland is home to the largest distillers in the UK. According to SPICe report, a total of 1.23 billion bottles of scotch whisky were exported to 180 markets worldwide in 2017 (O'Connor, 2018). Scotch whisky is a protected name and only whisky produced or matured in Scotland can be called scotch whisky (O'Connor, 2018: 5). Some of the top spirit companies in Scotland are Macallan which is part of Edrington Group, Diageo, Whyte and Mackay, and Chivas Brothers. Diageo has its headquarters in London, and in addition to scotch whisky and other spirits, they also produce beer (Diageo, 2020). Diageo prides itself as a global leader in beverage alcohol – it has over 29 malt and grain distilleries across Scotland, and has a huge number of visitors to its distilleries and its visitor centre in central Edinburgh, which contributes significantly to Scottish tourism (Diageo, 2020). Its close rival, Edrington Group, is headquartered in Scotland and is also international in its composition (O'Connor, 2018). Edrington owns route to market in 13 countries and operates through joint ventures and third-party arrangements in the other countries and regions it trades in (O'Connor, 2018; 23). Whyte and Mackay, another significant player in the scotch whisky business, is based in Glasgow. In 2011, it formed an import company in the United States to handle its US portfolio, and in 2014, it was bought over by a Philippine based Emperador Inc (Whyte and Mackay, 2010). Chivas Brothers is the scotch and gin branch of French company Pernod Ricard. Chivas Brothers has its headquarters in Scotland and operates 13 malt distilleries, 1 grain distillery, and 2 gin distilleries across Scotland (Chivas Brothers, 2020).

Beer has been produced in Scotland for over 5,000 years (Archeo News, 2011). Scotland has seen a growth in the brewing industry since the twentieth century despite the global reduction in beer consumption (O'Connor, 2018). The SPICe reports state that "87% of UK brewing business are micro in size and only 2% can be classed as medium or large". This trend applies to Scotland where 83% of breweries are micro-breweries specialising in premium beers which are sold locally (O'Connor, 2018: 27). Nevertheless, few Scottish

brewers, for example Stewart Brewing, BrewDog, and the C&C Group (following its acquisition of Tennent Caledonian in 2009), export their products to other countries (O'Connor, 2018). The Scottish Beer and Pub Association (SBPA[10]) lists 20 brewing companies as being members and some of these companies include Diageo, Molson Coors, C&C Group PLC, Caledonian Brewery company, Carlsberg UK, AbInBev, and Edinburgh Beer Factory. The SBPA members listed are some of the big players in the UK brewing industry and they are active within the UK alcohol policy arena (see DOH, 2011a). The SBPA states that their "members are responsible for around 20,000 pubs and account for 90% of beer produced across the UK (SBPA website 2020). This statement aligns with Abbott et al. (1998) and Harrison (1793) who believe that British brewers traditionally own the pubs that sold their beers prior to the 1989 Beer Order (See also O'Connor, 2018: 35[11]; Knowles and Egan, 2001; Hey, 1986; The Pub expert guide, 2020; House of Commons report, 2004). Such ownership was relaxed following the introduction of the government's 1989 Beer Orders which stipulated that no brewer could own more than 2,000 licenced establishments (Abbott et al., 1998). This however led to the development of a new business model called pub companies, and these pubs are then leased out to potential licensees (Abbott et al., 1998; House of Commons report, 2004) under strict agreement that the licensees stock and sell their products. The Scottish alcohol industry however goes beyond its distillers and breweries to include close ties, for example with the agricultural and tourism sectors, all of which contribute to the tax revenue and Scottish GDP (O'Connor, 2018).

2.5   Current Alcohol Debate and Industry Position

The alcohol industry is not oblivious to the problems caused by their products; they however maintain and push frames that projects the majority of their customers as responsible

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[10] The SBPA is the Scottish branch of the BBPA which stands for the British Beer and Pub Association. A trade association representing the drinks and hospitality industry.

[11] The Aberdeenshire brewer Six[0]North is noted to have multiple operational sites which includes 5 bars in Aberdeen, Stonehaven, Edinburgh, Dundee, and Glasgow (Six°North, 2020). Also, BrewDog is noted to have at least 30 bars in the UK (O'Connor, 2018: 35).

consumers who enjoy their products responsibly and that the cases of misuse occur only in a minority group (Hawkins and Holden, 2013). Industry actors' positions on the minority irresponsible consumers align with the results of studies by Drummond et al. (2005)[12] and McManus et al. (2009)[13]. Alcohol industry actors also assume that the benefits of moderate consumption outweigh the costs however defined (Taylor et al., 2005; Andréasson and Allebeck, 2005). The alcohol industry has been accused of irresponsible pricing and marketing which has fuelled excessive alcohol consumption, causing harms. According to Sheron and Gilmore (2016) harmful consumers are the industry's best customers and their consumption accounts for almost 70% of drinks sales by volume (see Habel et al., 2008 on the Pareto principle). Industry actors however argue that the introduction of MUP would disproportionately affect moderate drinkers and have little or no impact on harmful/hazardous drinkers. This argument is however flawed considering the population consumption theory. The theory links the population level consumption of a product to harm caused by the product (Sheron and Gilmore, 2016; Edwards, 1997). This is the basis for modern alcohol control policies such as the MUP, which is said to target the cheapest supermarket alcohol consumed by hazardous and harmful drinkers and not alcohol prices in the on-trade.

Industry actors have advocated for alcohol tax as a legal pricing mechanism, which would deliver the same result as MUP. However, critics argue that increases in alcohol taxes are not always passed onto consumers as the supermarkets can absorb tax increases and continue to sell alcohol as a loss leader to drive footfall into their stores (Sheron et al., 2008; Rabinovich, et al., 2009; see also Hess and Gerstner, 1987). This practice led to the introduction of a ban on selling alcohol below cost in 2012 (Woodhouse, 2017), but the additional policy has inherent loopholes which have been exploited by retailers. MUP nevertheless addresses these tax loopholes. At a population level, alcohol duty could be

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[12] The study reveals that 4% of adults in England are alcohol dependent, which involves a significant degree of addiction to alcohol, making it difficult for them to reduce their drinking or abstain despite increasingly serious harm.

[13] The authors found that 24% of the adult population in England (33% men and 16% women) consume alcohol in a way that is harmful to their health or well-being.

effective (Elder et al., 2010; Sheron et al., 2008), but industry actors' lobbying makes it an unreliable method on its own (Yoon and Lam, 2012). The Alcohol Health Alliance (2016) argues that both MUP and duty increase can be used together in a complementary manner to reduce alcohol harm.

In defence of their product, industry actors blame the consumer and the culture of irresponsible consumption for the problems with alcohol, and they fail to link low alcohol prices to increased consumption and harm despite growing evidence from public health and alcohol health researchers (Chaloupka et al., 2002; Kuo et al., 2003; Mueller et al., 2010). The way the industry positions the consumer (majority responsible/minority irresponsible) paves the way for industry preferred treatment options – education. Education is a treatment frame promoted by the alcohol industry (Anderson and Baumberg, 2006). This, however, supports other frames which they sponsor for example: "an 'educate and prevent' approach is more effective than blanket controls" and "alcohol harm-reduction measures should target the minority" (Drummond and Chengappa, 2006). Education is said to be the least effective in bringing about behavioural change (Brown and Richardson, 2011; Mazis et al., 1991; Creyer et al., 2002 on the diminishing effect of persistent health messages on habitual drinkers). Targeting the minority harmful/hazardous drinkers is not without challenge[14] (Raistrick et al., 2006). Alcohol Brief Intervention (ABI) has been cited by industry actors as an education option that should be explored. ABI has been used successfully in the healthcare setting (Kaner et al., 2007; McQueen et al., 2011) but are more suited for adolescents who are not yet substance dependent. Raistrick et al. (2006) opine that hazardous drinkers will benefit from a simple ABI in a generalist setting, harmful drinkers may require extended ABI in a generalist setting, and severely dependent drinkers would require and benefit more from intensive specialist treatment. But this is not the type or extent of "education" the industry is advocating.

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[14] Challenges include recruitment into ABI scheme; compliance issues, duration required for maximum effect, and relapse following the intervention (Raistrick et al., 2006).

The impact of MUP on income groups has been debated and researched (Crawford et al., 2012; Angus and Holmes et al., 2016). For a population-based policy like MUP, there will be winners and losers. Industry actors argue that MUP disproportionately penalises those on low income. If the low-income group is considered stereotypically (i.e. the homeless and people on benefits), they are classed as the minority harmful/hazardous drinkers who consume cheap supermarket spirits targeted by MUP (see Institute of Fiscal Studies (IFS), 2011). High-income earners nevertheless have been found to exceed drinking guideline limits but harmful drinkers in a low-income group tend to drink more and are more likely to be admitted to hospital or to die from an alcohol-related cause (Robson, 2012; see also Leyland et al., 2007; Emslie et al., 2009). The industry actors' argument on low-income consumers being disproportionately penalised is flawed because the government's approach with MUP looks to address the total alcohol consumption and reduce the burden of alcohol harm which is shared by all.

2.5.1 Recent Changes and Developments in the Scottish Alcohol Industry

The shift towards a whole-population approach by the Scottish Government after 2007represents a sea of change in the UK alcohol debate (Hawkins and Holden, 2013), with an end result of cleavages amongst and between the alcohol stakeholders. These cleavages were more pronounced within the industry with spirits producers, some brewers and the majority of the off-trade retail sector strongly opposed to any form of price-based measure (Hawkins and Holden, 2013). Most of the alcohol producers that participated in the MUP debates have been in business for many years. Most of them have undergone a series of mergers and acquisitions. They are classed as MNC as they operate in more than one country and employ 250 workers or more (Aggarwal, et al., 2011). The off-trade retailers are classed as big companies as they have traded for many years with multiple retail outlets. A summary of the key characteristics of the industry actors that participated in the Scottish alcohol MUP debate is presented in Appendix 1. Information provided by all the industry actors involved in the MUP debates on their websites presents the businesses as successful and that they contribute to the economic development of their resident countries. The industry actors

that participated in the MUP debates are signatories to the UK Public Health Responsibility Deal (PHRD[15]) and they engage in numerous corporate reputation management activities as well as in schemes aimed towards reducing alcohol misuse and harm.

As part of the UK PHRD pledge A7(a), alcohol industry actors pledged to "provide support for schemes appropriate for local areas that wish to use them to address issues around social and health harms, and act together to improve co-operation among such schemes operating in local areas" (Department of Health (DoH), 2011b; Hadfield and Measham, 2014; Knai et al., 2015). Examples of schemes alcohol industry actors participate in, include Best Bar None (BBN[16]), Business Improvement Districts (BID[17]), Community Alcohol Partnerships (CAP[18]), PASS[19], Pubwatch[20] and Purple Flag[21] and Challenge 21. Most of these activities are also part of the existing Scottish Government Alcohol Industry Partnership (SGAIP[22]). The PHRD was not without consequence as it shaped the alcohol policy landscape in England with

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[15] The PHRD is a government scheme introduced by the UK coalition government in 2010. The involves businesses signing up voluntarily to set pledges. The scheme was established on the premise that businesses understand their customers better and working alongside public health practitioners, it is assumed that they would find solutions to resolve problems associated with business practices at a lesser cost than legislation (DOH, 2011a).

[16] BBN is a national award supported by the Home Office and the drinks industry. It aims to promote responsible management and operation of licensed premises and reducing crime in the night-time economy (BBN website).

[17] BIDs are business led partnerships created to deliver additional services to local businesses. They encourage local businesses to get involved in local activities, enables business community and local authorities to work together to improve the commercial environment and embody several key dimensions of contemporary policing (Cook, 2010).

[18] The CAP scheme supports local partnership working to address issues such as under-age alcohol sales, proxy purchase and reducing alcohol-related anti-social behaviour (Tesco Plc, 2016). WSTA helps coordinate CAPs. Their actions include co-operating and liaising between retailers and the trading standard, police, schools, local authority licensing teams and health networks.

[19] PASS is a UK's national guarantee scheme for proof-of-age cards. This scheme is supported by the Government; the Association of Chief Police Officers; the trading standards institute and the trade associations connected with those selling age-restricted products. Acceptance of PASS cards is furthermore promoted as part of the Challenge 21 and Challenge 25 scheme (BBPA, 2012).

[20] Pubwatch is a voluntary organisation set up to promote best practices and aims to achieve a safer drinking environment in licensed premises.

[21] Purple flag is an award scheme aimed at making city centers and business districts safe, consumer friendly and appealing within the night-time economy.

[22] The SGAIP is a forum created in 2007 by the devolved Scottish government with the aim of bringing together government and the alcohol industry members to deliver joint initiatives to promote responsible drinking and address alcohol related issues (Scottish Government Website, 2013).

implications for wider alcohol strategy and MUP when it was being considered by the Westminster Government (Hawkins and McCambridge, 2019).

Industry actors take pride in and publicise their activities on their websites and in their strategy reports. Arguably, this could be a way of reducing regulative pressures on the industry (Yoon and Lam, 2012) and enhancing its reputation (see Guthrie et al., 2007; Deegan et al., 2002), instead of addressing the health impacts and risks inherent in alcoholic products (Yoon and Lam, 2012; Hill, 2008). The activities mentioned above are said to keep customers safe (or at least provide a sense of safety) in the night-time economy, but not necessarily impact on their drinking levels or consumption pattern. Babor et al. (2010) argue that these schemes were created out of desperation or are circumstantial to avert attention from "evaluated multi-component programmes that might demonstrably support legislative intentions" and from strict legislation (Bond et al., 2009; Martineau et al., 2014). In addition, the effectiveness of these schemes is questionable, especially in relation to 'hard' measures such as local crime and disorder statistics (Hadfield and Measham, 2014). For example, an evaluation of the BBN scheme in Croydon found no "credible evidence to suggest that the implementation […] had an impact on the reduction of crime and disorder in the town centre on its own". The authors cautioned that indicators to measure successes should be designed before the scheme is rolled out across the UK (Ackerman and Rogers, 2007). Hadfield and Measham (2014) found the BBN and Purple Flags awarded to licensees were used as a bargaining chip with the public licensing and enforcement agents to avoid tough sanctions/legislation. Critics of industry actors' responsibility programmes Barry and Goodson (2010) asserted that the amount spent on alcohol advertising in a year outweighs that spent on alcohol education, awareness, and consumer responsibility campaigns over an eighteen-year period (for example, $320 million on advertising in 1999 versus $300 million on responsible drinking campaign between 1982 - 2000). In addition, 2397 responsible drinking adverts were placed compared to 208,909 alcohol promotion adverts in the year 2001 (Barry and Goodson, 2010). This places doubts on the industry actors' commitments to alcohol harm reduction and their self-acclaimed identity as a responsible industry. The effectiveness of the PHRD pledges has been questioned by Petticrew et al. (2013) and Knai

et al. (2015). Knai et al. (2015) in their review found that alcohol labelling is likely to have limited effect on consumption and labels promoting drinking guidelines and pregnancy warning are unlikely to influence drinking behaviour. The authors also stated that "responsible drinking messages [were] ambiguous", and that "industry-funded alcohol prevention campaigns can promote drinking instead of dissuading consumption" (Knai et al., 2015: 3). It is not surprising that industry actors should favour self-regulatory or co-regulatory measures such as those within the remit of the PHRD.

Hawkins et al. (2012) identified that organisations who front their CSR activities do so to promote self-regulation as an alternative to legislation. These activities are often regarded as delay tactics, as they lack evidence to substantiate their effectiveness (see Hadfield and Measham, 2014; Ackerman and Rogers, 2007). As Hawkins and Holden (2013) put it, partnerships formed by alcohol industry actors involve lots of compromise and favour the status-quo, leaving little or no room for effective policy interventions to be deliberated. Moreover, the CSR activities championed by industry actors and their involvement in the policy process have been rationalised and justified amongst industry actors against stringent government legislature (Hawkins and Holden, 2013: 61, see quote from the Portman Group; see also Hawkins and McCambridge, 2019).

Despite the critics, social responsibility activities are said to have positive outcomes – for example, adherence to the pledge to remove 2 billion units of alcohol from the market, which has been achieved (see Health Improvement Analytical Team, 2014). Nevertheless, studies by Knai et al. (2015) and Holmes et al. (2015), based on the methods adopted in the HMRC's calculations of alcohol units sold, suggest that the industry 2-billion-unit pledge is yet to be achieved. The question remains, are alcohol industry social responsibility activities a mirage? (Bond et al., 2009; Baumberg, 2009).

Unfortunately, CSR and industry self-regulation cannot be trusted to address the challenges of alcohol in society. Hence, the need for government intervention especially through regulation. As earlier discussed, regulation comes with its challenges and it is often resisted by the industry to protect and pursue their interest. How these interests are framed and

pursued can lead to cleavages, which in turn might influence or impact negatively on the legitimacy of an industry. An example can be drawn from the legal challenge to the MUP by the SWA and the reputational impact this had on the industry following their defeat in the courts (see Hawkins and McCambridge, 2020a) and the potential legitimacy implication on the sector for opposing a governments legislation with potential impact of reducing alcohol harms at a population level.

2.6   Summary

The aim of this chapter is to help situate the study on the alcohol industry and their involvement in the Scottish MUP consultation. This chapter has discussed the challenges of alcohol in Scotland, the Scottish policy process, the Scottish alcohol industry, the current debates and industry positions, and the recent industry changes and developments. It presented some of the industry actors' CSR activities and involvement in alcohol harm reduction and a critique of the schemes. Understanding the policy process and the activities of the industry actors provides context for the thesis, and helps in understanding the findings of this thesis. Industry actors' participation in social responsibility schemes, active participation in the government's PHRD programme, and publicising the successes relating to these on their websites may suggest some form of self-regulation and quest for legitimacy. This thesis moves on to present the theoretical underpinning of this thesis and a review of the literatures on the alcohol industry use of frames, the literature on legitimation, and cleavages.

CHAPTER 3.   THEORETICAL UNDERPINNING – FRAME THEORY AND LEGITIMACY THEORY

3.1   Introduction

This chapter examines the theoretical underpinnings of this thesis and the rationale for the choice of theories – i.e. frame theory and legitimacy theory. It starts with a theoretical exploration of frame and framing, and some of their empirical applications, before finally exploring the literature on legitimacy theory, the different forms and definitions of legitimacy, and the general challenges to legitimacy, as proffered by Suchman (1995). It also explores the relationship between frames and framing, and legitimacy and legitimation. Based on the anticipated relationship, the chapter explores their implications for the creation and sustenance of industry cleavages in policy negotiations. The chapter ends with a summary of the identified research gaps, how the research questions posed seek to address these gaps, and a glimpse into the contributions this thesis seeks to bring to knowledge.

3.2   Frame and Framing: A Theoretical Exploration

Frame theory and framing have become very popular and prominent in the social sciences (Schon and Rein, 1994; van Dijk, 1997), especially in communication and media studies (Entman, 1991; D'Angelo, 2002; Van Gorp, 2005; Van den Bulck et al., 2008; Paricio-Esteban et al., 2012). Frame theory suggests that how an information (the frame) is presented influences the choices people make about how to process that information (Chong and Druckman, 2007a). The theory has a deep root in sociology and psychology (Tewksbury and Scheufele, 2009; Borah, 2011) and draws largely from Erving Goffman (1959, 1974)'s corpus on frames of references, which straddled both sociology and psychology (Tewksbury and Scheufele, 2009). Goffman (1974) articulated frames as ways of making sense of the world

with the aid of some interpretive schemas to classify new information. He used frames as 'schemata of interpretation' that allow individuals or groups 'to locate, perceive, identify, and label' events and occurrences, thus giving meaning to organising experiences, and guiding actions (Goffman, 1974). This approach to framing has been referred to as the hermeneutic approach to framing, in which frames are described in-depth primarily to elicit the meanings embedded in them (Matthes and Kohring, 2008). Drawing from his symbolic interactionism influence and tradition (Goffman, 1959), Goffman (1974) argued that meaning can be symbolic, and the symbolic aspects of meaning are continually negotiated through ongoing interactions, which also reaffirm or challenge the frame repertoires available in the wider culture. This has been referred to as interactional framing and uses a bottom-up approach to framing (see also: Gray et al., 2015). In this regard, frames can also act as symbolic signals and points of reference – i.e. 'frames of reference' (Sherif, 1967). Frames of reference are contextual and refer to how an individual's judgment and perception of an issue change depending on the context (Sherif, 1967; see also Goffman, 1974 in Chong and Druckman, 2007b). Kahneman and Tversky (1979), expanding on the work of Sherif (1967), claimed that all perception is dependent on references. The understanding of an issue, however, is dependent upon the values impressed upon the audience and the audience's innate understanding of the issue, if any (Chong and Druckman, 2007b; Druckman and Nelson, 2003; see also Kahneman and Tversky, 1984).

Accordingly, frames are "composed of little tacit theories about what exists, what happens, and what matters" (Gitlin 1980: 6). Frames can occur as words, phrases, presentation styles, and images used to shape perceptions and exert influence (Goffman, 1974; Druckman, 2001). Frames structure the way we think of and define problems, the values behind the definitions of those problems, and what counts as 'solutions' to those frame-defined problems (Lakoff and Ferguson, 2006). In that regard, frames are described as 'weapons of advocacy' (Weiss, 1989), which can be propagated through different mechanisms and platforms – for example, the media, social movements, texts, speeches, visuals, et cetera – and by different actors (for example, organisations, political leaders, corporate actors, policymakers, et cetera).

Nevertheless, frames are products of framing. Framing involves using certain techniques or frame packages (Entman, 1993), which include stereotypes, syntax, metaphors, stories, symbols, images, traditions, catchphrases, spins, and artefacts (Gamson and Modigliani, 1989; Entman, 1993; Fairhurst and Sarr, 1996). The frame packages considered in this thesis are stereotypes, syntax, and stories as they are the most prevalent across the data set from preliminary analysis. According to Lippmann, stereotypes, for example, are cognitive structures that help individuals to process information about their environment (Ashmore and Del Boca, 1981). They are generalisations about social group characteristics that are attributed to all members of a given group, without regard to variations that might exist among members of that group and thus result in distortion of facts (Seiter, 1986; Allport, 1935). Syntax is how words and phrases are arranged in a sentence – i.e. sentence formation (van Dijk, 1988; Entman, 1993). Empirical evidence shows that elites and the media use these frame packages when discussing issues and it is presumed that these frame packages can influence how individuals understand, interpret, and react to an issue (Tewksbury and Scheufele, 2009).

Framing is both an analytical and a theoretical method (Benford and Snow 2000), which has varied definitions informed by disciplinary differences and approaches – for example in: cognitive psychology (Tversky and Kahneman, 1981); linguistics (van Dijk, 1997); media studies (Scheufele, 1999; Miller, 1997; Paricio-Esteban et al., 2012); management (Gray et al., 2015); political science and policy studies (Schon and Rein, 1994); and communication (Entman, 1993)[23]. In communication studies, in particular, it refers to how the media presents information to the public within a context to either encourage or discourage certain interpretations of events (Johnson-Cartee, 2005). Accordingly, Entman (1993) defined a frame as the

> *ability to select some aspects of a perceived reality and make them more*
> *salient in a communicating text, in such a way as to promote a particular*

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[23] For more on the disciplinary definitions of and approaches to framing, please see de Vreese, 2005.

> *problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described (Entman 1993: 52).*

Whilst frames and framing are often used interchangeably in research writing, a frame describes an end product of an action, whereas framing in itself describes the process (Kuypers, 2010). Framing is regarded as the more dynamic of the two terms according to van Hulst and Yanow (2016). The work of van Hulst and Yanow (2016) makes a distinction between frames and framing and links the theoretical aspect to framing as a method of analysis. They also highlight the politics of framing analysis and the associated power-laden barriers of such framing identities. Framing is defined as a process whereby communicators, either consciously or unconsciously, act to construct a point of view that encourages the facts of a given situation to be interpreted by others in a particular manner (Kuypers, 2010). Framing looks at how everyday reality is constructed, and can occur at the individual or group levels. This thesis focuses on policy frames, and by no means treats frames as a stable or self-contained entity, but instead sees frames as evolving as they are negotiated between policy actors throughout the policy deliberation or life-span. This thesis adopts frame theory as an analytical guide. Given that the thesis draws heavily from the communication tradition of framing and frame theory, it uses Entman's theory to guide the data analysis. This is discussed much later in this chapter.

From the policy perspective, frame theory captures the strategic and purposive nature of policy actors' interventions in policy debates and provides a conceptual framework for its analysis (Desrosiers, 2012; see also van Hulst and Yanow, 2016). It also offers important insights into the dynamics of the policymaking process as a contest between competing conceptualisations of both problems and solutions (Hawkins and Holden, 2013). As such, framing has widespread consequences from a political perspective. In policymaking, for instance, 'policy frames' represent an alternative way of thinking and presenting arguments in favour of or against proposed policies (Smith and Katikireddi, 2013). As "weapons of advocacy", frames have actual effects (Garcia-Retamero and Galesic, 2010; Levin et al., 1998). In alcohol studies, for instance, frames are said to have been used strategically to play down levels of alcohol harm, keep alcohol problems off the policy agenda, and prevent

government legislations (Hawkins and Holden, 2013; Hawkins et al., 2012). They are usually expressed through language and propagated by actors in the bid to exert influence by shaping the consultation agenda and eliciting public support (Sturdy et al., 2012).

In summary, frame theory is a broad, theoretical approach used by analysts in various fields. Given the focus of this study on language, it takes seriously the view that frames are linguistic tools that help convey meanings embedded in language (Vaara et al., 2006; Fairclough, 1995). The study also takes a communicative view of frames, which implies that frames are communicative devices to shape views and influence with real effects. A framing effect is said to occur when a phrase, image, or statement suggests a meaning or interpretation of an issue (Tewsbury and Scheufele, 2009: 20). Pan and Kosicki (2005) describe the process of framing effect as the initial 'exposure to the framing device', then the 'activation' of the framing device, and finally, the 'suitability judgements' (see also: Chong and Druckman, 2007b). Suitability judgement, according to Pan and Kosicki (2005), is the individual characters that can shape the influence of frames and thus make framing effect a subjective phenomenon (see also: Druckman and Nelson, 2003). Understanding these different individual characteristics that influence framing effects is thought to advance framing theory, and this has been extensively discussed in Chong and Druckman (2007b).

Given the real effects of frames on people and society, some authors regard framing as an extension of agenda-setting (McCombs, 1995, quoted in Maher, 2008), although this has been strongly disputed in the literature (see Kosicki, 1993). While framing and agenda-setting share a common interest in shaping and influencing opinions and views, the later influences audience perception in two ways by directing them on: (1) what to think about, and (2) how to think about the issue. Kosicki (1993) argued that framing begins from an explicit cognitive perspective whereas agenda-setting does not. Nevertheless, agenda-setting is usually grouped with framing research under the broad category of "cognitive media effects" (Borah, 2011; see also: Scheufele, 1999; Scheufele and Tewksbury, 2007), despite the view that agenda-setting is a highly contested notion and scholars over the years have tried to differentiate between agenda-setting theory and frame theory (Borah, 2011).

Frame theory and agenda-setting theory focus on how the media draw public attention to specific topics or issues, and in this way, they can be said to have set the agenda in the public's mind for further rationalisation and interpretation. Framing, however, takes this a step further, by showing that the way in which information is presented, creates a frame for that information; and this is usually a conscious choice by journalists (Davie, 2014). In this case, Davie asserts that a frame refers to the way the media, as gatekeepers, organise and present the ideas, events, and topics they cover (2014) (see also: Hallahan, 1999: 222). This is arguably a form of social mobilisation, which is at the heart of the social movement theory.

Social mobilisation (also known as social movement) is how groups use frames to garner support. It explains the strategies behind the creation of frames (Chong and Druckman, 2007a). The term has been adopted in many framing research (see, for example, Benford and Snow, 2000; Sturdy et al., 2012). Benford and Snow (2000), explored the potentials for frames to be used as tools for social mobilisation and opined that frames have a strategic function, which is used in reality construction. In this case, the social mobilisation actors are viewed as agents actively engaged in the production and maintenance of meaning for constituents, antagonists, or bystanders (Snow and Benford, 1988). In another example, Sturdy et al. (2012), writing on the framing of Scottish mental health policy, regards stakeholder consultation as a form of social mobilisation and an arena for framing, where different actors present different frames with the aim of garnering support. They utilised social movement theory to show that the policy consultation process can serve as a means of enrolling, orienting, and mobilising stakeholders to implement a largely pre-existing set of policy aims (Sturdy et al., 2012).

3.2.1 Frames, Framing, and Collective Actions

The impacts of frames and framing can also manifest at group/collective levels, as well as in policy negotiations.

Benford and Snow (2000) explored the roles frames play in how social movements are generated and diffused, and the functionality of mobilising and counter-mobilising ideas and meaning – especially in relation to collective actions. They examined literatures addressing the conceptualisation of collective action frame and suggested that collective action frames are not just carriers of ideas and meaning that emerge from structural arrangements of social movements but are signifying agents "actively engaged in the production and maintenance of meanings …" (Benford and Snow 2000: 613). The authors also sought to understand how framing processes can be identified (for example, collective action frame generation; elaboration; and diffusion as framing processes) and the elaboration and consequences of framing process on the outcomes and processes of other movements. The authors regarded the 'framing process' as a central dynamic in understanding the character and course of social movements. By these, the authors imply that the way an issue is framed can draw support from those influenced by the frame and influence the negotiations.

Alcohol frames, as used by different alcohol stakeholders in alcohol policy documents and during policy debates, have been studied by Greenway (2011), Katikireddi (2013), Katikireddi et al. (2014a), and Hawkins and Holden (2013), Koon et al. (2016).Greenaway (2011) conducted a case study on the Licensing Act 2003. His study shows how a preconceived policy issue definition can be redefined through framing and reframing by other political and non-political actors like the media and industry actors (see also: Nicholls and Greenaway, 2015). The English and Welsh Licensing Act 2003 was originally framed by New Labour in terms of regulation and enhanced trading practices. Following the widely criticised report by the Alcohol Harm Reduction Strategy for England (AHRSE) report, the Licensing Act was redefined in a manner that focused on the 24-hour drinking, crime, and safety, and this signaled volatility and the possibility of multiple framing in the policy arena. The multiple frames generated at the time impacted on the overall policy outcome and thwarted the UK Labour Government plans at deregulating alcohol licensing (see Hawkins and Holden, 2013). The study materials used consisted of parliamentary and newspaper coverage, official reports, and semi-structured interviews with civil servants, politicians, pressure group activists, and members of the drinks industry. The study was well articulated but failed to

signify the data analysis method, the sampling techniques, or study rationale. The author concluded that the bureaucratic structure of the British political system is susceptible to radical alteration by political actors (Greenaway, 2011). The alteration of frames by the media, for example, is in line with agenda setting theory coined by McCombs and Shaw (1972).

Katikireddi (2013) examined the role of evidence during the policy formulation process using case study design. The author presented two cases. The first case examines the English White Paper on 'Healthy Lives, Healthy People' to reveal the extent in which three prominent discourse within academic works are reflected in the policy statements. The second case draws on evidence submissions to the HSC and interview data to explore the development of "a high-profile public health policy of minimum unit pricing of alcohol" in 2010, and identifies the crucial role of public health advocates in reframing alcohol policy issues, which led to significant policy changes (see also Katikireddi et al., 2014a[24]). The authors used a framework for analysing political argumentation. They reported that the public, the voluntary-sector stakeholders, and the on-trade alcohol retailers tend to support the MUP policy, whilst other sectors of the alcohol industry opposed the policy. These results are in line with the findings observed in Holden et al. (2012), and Hawkins and Holden (2013). Katikireddi (2013) identified three different frames. These frames reflect the policy actors' position as either supporters or opposers of MUP. Supporters of MUP framed alcohol problems in terms of the health consequences of alcohol consumption at a population level, whilst opposition actors framed alcohol in narrow terms reflecting on minority irresponsible consumers and responsible majority consumers framed as being penalised by the government (see also Katikireddi et al., 2014a), and framed the MUP as an ineffective population-wide measure. Public health advocates were said to have worked hard to "redefine the policy issue by presenting a consistent alternative frame" (Katikireddi et al., 2014a). A third frame was a mixture of the overarching frames and was propagated by

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[24] This study builds on the second case study in Katikireddi (2013) thesis.

industry actors who support the MUP. This third frame, the author regards as a hybrid frame (Katikireddi, 2013). The different frames produced during the policy debates, helps one to understand the relationship between evidence, competing frames and policy development (Katikireddi, 2013). The author also found that even though evidence relied upon in the first case study did have an influence, it did not determine the policy, whereas the frames propagated by non-industry advocates of MUP did determine the MUP policy. In other words, the epidemiological concepts adopted by public health advocates were key to actualising the shift in the policy framing of alcohol issues in Scotland. These epidemiological concepts draw from evidence presented in the econometric modelling published by a team of researchers at Sheffield University. The role of evidence was identified to be of particular importance in the changing of the framing of the MUP policy debate, although this was not always reflected during the policy process (Katikireddi, 2013). Katikireddi et al. (2014a) in their paper, emphasised that "public health advocates worked hard to redefine the policy issue by presenting a consistent alternative frame" which centred on the health consequences of alcohol consumption at a population level. These consistent frames are said to have impacted on the policy outcome.

In their review of fifty-two articles that focused on the framing of contested health issues, Koon et al. (2016) reported the presence of at least one frame in the papers reviewed and how the frame sponsors promoted these during the policy process. The majority of the papers reviewed (n = 33) acknowledged that the frames promoted did impact on the policy negotiation and 19 papers reported little or somewhat effect on the policy process. The authors concluded that framing is an important part of the policy process that has been overlooked. They recommend for further understanding of frames, framing processes and frame conflict as this would help researchers and policymakers to understand contested policy issues, and facilitate the resolution of such policy issue (Koon et al., 2016: 1).

The study by Hawkins and Holden (2013), Hawkins et al. (2012), Holden et al (2012), and McCambridge et al. (2014) examined the UK alcohol MUP policy consultation documents produced by the alcohol industry during the second attempt of the SNP government to pass

the bill into law in 2012. They also conducted interviews with government officials, policymakers, and alcohol industry representatives. The authors aimed to extract the strategies (including the different policy frames) adopted by the industry in influencing the Scottish alcohol policy process (see Hawkins and Holden, 2013 and Hawkins et al. 2013).

Hawkins and Holden (2013), writing on "framing of alcohol policy debates", state that policy actors seeking to avoid government regulation downplay the significance of issues to keep it off the policy agenda. They also suggest that industry actors invoke principles of "liberty or personal responsibility to steer government towards less interventionist form of regulation" which mostly aligns with their business interests. The authors used the 'naming and framing' approach to frame analysis set out by Schön and Rein (1994), to identify the positions of each actor. This approach, 'naming and framing', "selects what should be seen and diverts attention from other features" of the text (van Hurst and Yanow, 2016: 97). They examined the different frames presented by actors, the connections and overlaps as well as the cleavages between the framing of issues by different sets of actors (see also Holden et al., 2012). Some of the frames identified by Hawkins and Holden (2013) as used by industry actors reflect the positive effects of alcohol on society, the economy, and the lives of the consumers. These frames portray the majority – responsible consumers – as the victims of sensationalist media for the negative effects of alcohol portrayed. They also portray alcohol as a legal product enjoyed safely and in moderation by most consumers, and the positive contribution to the economy in terms of revenue for the government and the framing of alcohol industry as socially responsible. The points of interest in the study by Hawkins and Holden (2013) are: (a) how frames are evoked by industry actors on opposing sides of the debate whilst still presenting their organisation as socially responsible, and (b) the sense of collaboration amidst their disagreements (see also Holden et al., 2012).

A recent study by Thornton and Hawkins (2017) examined five British newspapers on framing strategies adopted by transnational alcohol corporations. The study found two conflicting frames for the alcohol industry. The first frame portrays the industry as socially responsible actors who are keen to help the government in tackling alcohol-related harm.

The second highlights the industry potential for economic growth through establishing new markets, customer base, and investors. The frames are conflicting in the sense that reducing alcohol misuse should have a knock-on effect on alcohol promotion, and it appears that the industry is saying one thing and doing another. The study by Holden et al. (2012) for example, examined the differing interests of actors (expressed as frames) within the alcohol industry, the cleavages which emerged between them on this issue, and how this impacted on their ability to organise themselves collectively to influence the policy process. The authors noted that the trade associations representing a single product category, such as the National Association of Cider Makers (NACM), or a single section of the industry such as the Association of Licensed Multiple Retailers (ALMR), felt they were able to adopt a united position on most issues of importance to their membership. But larger trade associations containing members from different sectors of the industry and with varying interests found it difficult to speak with a unified voice on a given issue (Holden et al. 2012). Holden et al. (2012) emphasised that these "potentially conflicting interests of different groups must be taken into account in order to arrive at positions on which most members can agree".

Recent studies by Hawkins and McCambridge (2020c) have elucidated the extent of industry actors' activity at the EU and UK government level in the bid to discredit the Scottish MUP Bill. Sensing the defeat in their framing of alcohol issues which focused on the majority versus minority consumers and penalty of low-income consumers, the industry moved to reframe the policy issue to focus on legality of MUP and the potential breaches to the EU single market and competition laws. This reframing enabled the industry actors to shift the venue of the decision-making process (see also Holden and Hawkins, 2018), thus taking advantage of the multi-level systems of governance to hinder the MUP policy and debates which run counter to their interests (Hawkins and McCambridge, 2020a). The authors interviewed government officials, civil servants, and Non-Governmental Organisations (NGOs), in order to understand the extent of industry lobbying and advocacy work carried out at the EU level – i.e. venue-shifting and the dynamics of policy-level governance. The authors alluded that the case of MUP "demonstrates the importance of policy networks and

the multi-level structure of civil society organisations within the EU in ways which mirror the political structures which they seek to influence".

The review of the literature on UK alcohol industry actors and frames they produce, reveals a dearth of research especially the potential for frames to be used as a legitimating tool. This is an important gap. Next, this section of the chapter on frames, presents Entman (1993) frame theory, as the selected theoretical framework considered to be used in the analysis of the data generated for this thesis.

3.2.2 Entman (1993) Frame Theory

As seen in the literature review on framing studies pertaining to alcohol (Van Den Bulck et al., 2012; Nicholls, 2011; Greenaway, 2011; Paricio-Esteban et al., 2012; McCombs and Shaw, 1972; Anglin et al., 2000; Hawkins and Holden, 2013; Katikireddi et al., 2014a; Savell et al., 2015), "framing is often defined casually, with much left to an assumed tacit understanding of the reader and researcher" (Entman, 1993: 52). This highlights one of the many challenges with the concepts of framing. Entman, however, attempts to correct the notion by identifying and making explicit common tendencies among the various uses of the term *[frame]* and suggesting a more precise understanding of them. Entman (1993) went on to suggest that how information (the frame) is presented and influences the choices people make about how to process that information. He put together a definition of frames, reflecting on four key frame elements – *problem definition, moral justification, causal interpretation,* and *treatment recommendation*. With this definition in mind, Entman is said to advocate for a generic paradigm for framing research. Entman's definition of frames distinguishes frames from the agenda setting by suggesting that salience is not reached by repetition of certain words or arguments but by the structure of the narrative. This definition of framing and Entman's conceptualisation of the frame is the backbone on which this current study is set. Entman's definition of frames focuses on the 'agent' (the people who produce the frames); this was later modified in his 2003 corpus. Entman (2003) redefined 'framing' in a manner which emphasises the 'process' over the 'agent'. That is, how people

go about framing as opposed to those who produce the frames. He described this as the processual nature of frames which is distinct to the linguistic approach to framing. These are explained further below.

3.2.2.1   The Processual Nature of Frames

The processual nature of frames focuses on its communicative abilities. de Vreese (2005) supports Entman's view but argues that communication is a dynamic process that involves a combination of frame building and frame setting. Entman explains that frames have different locations. For example, a frame can be located in the communicator (for example, the source, the journalist, or the newsreader), the text, the receiver, or the culture. These four locations and their interactions with the frame are thought to determine the framing process. However, Entman reduced the emphasis on the subjective elements to focus more on the concrete, more objective or quantifiable elements within a perceived reality (2003). He replaced the phrase 'define a problem' with 'select an issue', thus moving away from problems to issues. He also replaced the phrase 'moral evaluation' with 'evaluation', thus signifying his lack of interest in people's perception of good or bad, but to whether these perceptions are useful or not and on the outcomes. Entman (2003) explains the difference between cultural resonance and repetition (agenda setting) for influencing audience perception of the media. According to Edy and Meirick (2007), agenda setting studies measure how closely related media agenda matches public agenda, whereas framing research measures the uptake of media frames and its ability to influence or change the audience perception of an issue.

3.2.2.2   Linguistic Approach to Framing

Another method used by Entman in frame identification involves the analysis of specific words – how the words are used as building blocks to denote a frame and their position in relation to other words within the text. The unit of analysis, in this case, is the paragraph and not the article (Entman, 1991). This method shares similar characteristics with the post-structuralist approach of discourse theory. To amplify Entman's work, Pan and Kosicki (1993)

highlight 'structural dimensions' of frames that are measurable. Their method of frame analysis distinguishes between syntax, script, themes, and rhetoric as used within a text, and these are referred to as framing devices (see Pan and Kosicki, 2005; Gamson and Modigliani, 1989; Borah, 2011). A framing device thus signifies the presence of a frame and gives meaning to a text (Van Gorp, 2005; Entman, 1993; Gamson and Modigliani, 1989). Pan and Kosicki (1993) used these measurable structural frame dimensions to construct a data matrix, which is then used for analysis. This approach although systematic and rigorous can only be used to analyse single news text samples and thus cannot be applied to the current study in its entirety. Nevertheless, the limitations of Pan and Kosicki's method, their concept of syntax identification as a framing device, is incorporated into this study, as it enables the reader to appreciate how statistics and research evidence used when making economic arguments signal and/or make cleavages between industry actors visible. Entman's linguistic approach to framing, which is largely based on his 1993 work, is more subjective in character than the processual approach, which tends to place slight emphasis on objective reality. The former – i.e. the linguistic approach – aligns well with the epistemology and ontology of this study, hence, the emphasis here is on Entman (1993). Entman (1993) frame theory is used as the theoretical guide for the thematic data analysis of data obtained for this study (see Chapter 5 section 5.2). This chapter moves on to introduce legitimacy theory and the literature on legitimation.

3.3   Legitimacy Theory and Legitimation – A Review of the Literature

Legitimacy is a social construct (Deegan, 2002; Suchman 1995; Yoon and Thye, 2011) which reflects a congruence between the behaviours of an entity and the shared (or assumedly shared) beliefs of some social groups (Suchman 1995). As a social construct, Hoefer and Green (2016) acknowledge that legitimacy is both constituted by, and constitutive of, the act of exchange between parties – for example, an organisation and its stakeholders, or communication exchanges between 'senders' and 'listeners'. The term legitimacy is an abstract concept, which is not easily measurable. It is highly subjective, yet its presence or

absence has concrete consequences (Zimmerman and Zeitz, 2002; Suddaby et al., 2017). In organisation studies, for instance, legitimacy is seen as an organisational trait, belief, or resource that is necessary for the acquisition of other resources – such as government support (Suchman, 1995; Diez-Martin et al., 2013), quality employees (Aldrich and Fiol, 1994), financial resources and technology, and survival (Aldrich and Fiol, 1994; Zimmerman and Zeitz, 2002; Suddaby et al., 2017; Bitektine, 2011; Diez-Martin et al., 2013; Barnett, 2006; Winn et al., 2008). In some cases, organisations seek legitimacy for many reasons including continuity (Suchman, 1995; Tilling, 2004), credibility (Aldrich and Fiol, 1994; Suchman, 1995), and passive or active support (Suchman, 1995). Although legitimacy is dependent on a collective audience, it is independent of observers. In some cases, an organisation may deviate from specific societal values and retain legitimacy because the deviation draws no public disapproval (Suchman, 1995). A legitimate organisation therefore has largely unquestioned freedom to pursue its activities (Deephouse and Suchman, 2008).

Legitimacy theory examines the social, political, and economic framework within which human life takes place (Gray et al., 1996: 47; Deegan, 2002 and 2006). It is concerned with the interactions between groups in an essentially pluralistic world (Deegan, 2002; Deegan and Blomquist, 2006). Although there are different schools of thought in legitimacy theory represented by different scholars (for example, Althusser 1965; Gramsci 1971; Habermas 1975 for instance[25], and also Jost and Major, 2001), legitimacy theory can be classified into two theories in one (Tilling, 2002). The first is *institutional legitimacy*, which focuses on the process in which organisations at an industry/sector level collectively seek and gain acceptance from groups in society. This is the most common form of legitimacy theory portrayed in literature and it has informed and shaped the understanding of the theory. At the macro theory level, legitimacy and institutionalisation are used interchangeably to mean the same thing. Legitimacy is a prerequisite for institutionalisation and institutionalisation contributes to legitimacy. These terms, when used, empower organisations and make them appear natural and meaningful (Suchman, 1995). The second theory is *strategic legitimacy*,

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[25] These scholars often explore legitimacy in the context of power relations and hegemony, which is not the approach adopted in this study.

which operates at the individual organisational level. Organisational-level legitimacy is a legitimation process whereby an organisation individually seeks approval from groups in society. It is the most common form of legitimacy theory used in management and organisational studies (Tilling, 2004). At this level, it is used as an operational resource. It is sometimes used competitively in the pursuit of an organisation's goal (Suchman, 1995).

Legitimacy thus operates and relies on the notion of a 'social contract' (Suchman, 1995). Nevertheless, legitimacy has many definitions, forms, and expressions; and some of them are illustratively explored below.

3.3.1 Definitions and Forms of Legitimacy

> *Organizational legitimacy is the perceived appropriateness of an organization to a social system in terms of rules, values, norms, and definitions (Deephouse et al. 2017).*

This definition is a modified version of the widely-used definition of organisational legitimacy by Suchman (1995: 574). Suchman's definition has been used by scholars from different disciplines, including management, organisational studies, and social policy and is by far the most widely cited definition of the term legitimacy (Deephouse et al. 2017). Deephouse et al. (2017) sought to bring greater clarity to the use and conceptualisation of the term legitimacy and document the changes in the use of the term legitimacy over time with the aim of identifying the broad trends in theory and research. At the organisational level, three expressions of legitimacy, which can be conferred upon an organisation are pragmatic, moral, and cognitive (Díez-de-Castro et al. 2018; Scott, 2014; Suchman, 1995; Deephouse and Suchman, 2008). Once legitimacy is conferred, organisations are said to take it for granted (Hannan and Freeman, 1984; 1986; Ashforth and Gibbs, 1990; Suchman, 1995), and the assessment of legitimacy becomes increasingly perfunctory (if not mindless) (Ashforth and Fried, 1988) until such a point where the organisation's business practice is questioned. By this, Ashforth and Gibbs (1990: 183), imply that organisations take for granted the conferred legitimacy and do little or nothing in maintaining it as it becomes a routine. A brief

description of these forms of legitimacy are presented below with some references to the alcohol industry.

3.3.1.1   Pragmatic Legitimacy

Pragmatic legitimacy is the perception of an organisation judgement or evaluation (Deephouse et al., 2017). According to Deephouse and Suchman (2008; 52), pragmatic legitimacy comprises an act of exchange, influence, interest, and character; It evaluates whether a specific action benefits the evaluator (Suchman, 1995), i.e. it focuses on the performance of the organisation (Deephouse et al., 2017). This form of legitimacy is said to be under threat with increasing government legislation and legal sanctions (Christiansen and Kroezen, 2016). Pragmatic concerns can be managed by reassuring the audience of the organisations efficacy (Deephouse et al., 2017). Concerning the alcohol industry, regulative pressure has come in the form of taxation, licensing systems, restrictions on distribution, and advertising, amongst others. Regulative pressure may typically reflect a diminished trustworthiness of the industry in the eyes of policymakers and the public, and this is said to affect brand positioning in the market (Christiansen and Kroezen, 2016). Nevertheless, the alcohol industry is said to have responded to the pragmatic concerns by: promoting self-regulation (i.e. responding to needs) aimed at producing codes, which ensure compliance amongst members (for example, policing their members' activities); promoting trustworthiness with policymakers and the public (i.e. locating friendly audiences); and limiting formal regulation by creating monitors (Suchman, 1995). Other strategies organisations adopt for pragmatic legitimacy are advertising their products and image; consulting opinion leaders; protecting their exchanges (by communicating honestly and stockpiling trust); and denying any problems associated with their organisation or products (Suchman 1995).

3.3.1.2   Moral Legitimacy

Moral legitimacy is attained when certain moral values are generally agreed upon within the social system (Deephouse et al., 2017). Moral legitimacy reflects a positive, normative evaluation of the organisation and its activities (Suchman, 1995; see also Deephouse and

Suchman, 2008). It considers what should be done. Aldrich and Fiol (1994) characterised moral legitimacy (i.e. *socio-political legitimacy*) as the degree of congruence between a focal organisation's characteristics or behaviours and the normative expectations in the cultural meaning system of the other organisations surrounding it (see also Scott, 1995). Social disapproval affects any moral legitimacy an organisation holds (Suchman, 1995; Christiansen and Kroezen, 2016). For example, the resultant effect of moral legitimacy challenge on the alcohol industry, is observed in the shrinking size of the market (Christiansen and Kroezen, 2016) and an increased focus on alcohol advertising regulation. Moral legitimacy can be sustained by reassurances of good character through public advocacy and a display of social responsibility (Deephouse et al. 2017). Threats against the alcohol industry's moral legitimacy can be challenged through the normalisation of moderate alcohol consumption, and by promoting education to individuals and groups at risk of alcohol harm (Christiansen and Kroezen, 2016). The combined effect of regulative and normative pressure has had its impact on the socio-cultural meaning attributed to alcohol and the behaviour towards alcohol consumption (Christiansen and Kroezen, 2016). The moral legitimacy of an organisation can be managed by: (1) conforming to ideals through offering symbolic displays or embedding the organisation with other legitimate institutions; (2) (re-)defining the organisation's goals; (3) through persuasion; (4) consulting professionals; (5) protecting propriety by communicating authoritatively and stockpiling esteem; (6) dissociating themselves from normal practices or restructuring the organisation; and (7) excuse or justify the presence of a problem (Suchman, 1995).

3.3.1.3 Cognitive Legitimacy

Cognitive legitimacy is an affirmative backing for an organisation or a mere acceptance of the organisation as necessary or inevitable based on some taken for granted cultural account (Deephouse and Suchman, 2008; Suchman, 1995; Aldrich and Fiol, 1994). Cognitive legitimacy, is an extension of moral legitimacy and is attained when there is such a high degree of congruence or acceptance between the normative expectations of the organisation and its environment that they are unquestioned or taken for granted (Aldrich

and Fiol, 1994; see also Suddaby et al., 2017; Deephouse and Suchman, 2008; Scott, 1995). Cognitive legitimation, in this case, refers "to the spread of knowledge about a new venture" (Aldrich and Fiol, 1994: 684). Cognitive legitimacy is, however, threatened by deinstitutionalisation (Suchman, 1995) and because of cultural-cognitive pressures (Christiansen and Kroezen, 2016). An attempt at deinstitutionalising alcohol, for example, is evident in the reduced association of alcohol and cultural gatherings; a decline in the numbers of pubs; a growth in the number of coffee shops; and an increased focus on alcohol harms (Christiansen and Kroezen, 2016). The alcohol industry, for example, has attempted to counter cognitive legitimacy concerns by sponsoring research aimed at producing alternative facts about their product or the industry (Christiansen and Kroezen, 2016; see also, Jepperson, 1991; Lawrence and Suddaby, 2006). Suchman (1995) referred to this action as popularising and standardising new models. Other ways in which organisations manage cognitive legitimacy concerns include conforming to model (i.e. copying or adapting other organisations standards); consulting opponents or doubters; stockpiling interconnections; and offering explanations for the organisation's shortcomings (Suchman, 1995; Deephouse et al. 2017).

Of the three legitimating strategies proffered by Suchman, (1995); Scott, (1995); and Aldrich and Fiol, (1994), Suchman's model was selected as it offers the most comprehensive typology on legitimacy (see Deephouse et al. 2017; Suddaby et al., 2017). It is applicable to organisations facing legitimacy threat because of their business practices at different stages of their lifespan, as opposed to Aldrich and Fiol (1994)'s approach, which focuses on emerging industries. These forms of legitimacy (pragmatic, moral, and cognitive) are revisited in the findings chapter, with examples of how they apply to the alcohol industry as evident from the data gathered for this thesis.

Suddaby et al. (2017) conducted a thematic analysis of empirical and theoretical works on legitimacy. They argued that the popularity and widespread use of legitimacy, as a construct in many theoretical and empirical studies, has resulted in various meanings, which in turn has led to the use and misuse of the term 'legitimacy'. Their work aligns with the works of

Deephouse et al. (2017). Suddaby et al. (2017), in line with earlier works (Suddaby, 2010), attempted to bring some clarity on and theoretical discipline to the construct by thematically analysing the literature on the topic. They found that the 170 articles on legitimacy they analysed could be theorised into three distinct configurations of legitimacy, as a property, an interactive process, or a socio-cognitive perception. The authors also identified how legitimacy is manifested and the characterisations of the key roles of actors engaged in constructing legitimacy within the three configurations they identified. These three configurations of legitimacy are discussed briefly below. Some studies included in Suddaby et al. (2017)'s review are revisited in this thesis because of their relevance to this current study. In addition, other studies relevant to this thesis, identified through literature searches but not included in Suddaby et al. (2017), are included in this review, especially those pertaining to alcohol policy studies.

3.3.2 The Three Configurations of Legitimacy

As earlier stated, Suddaby et al. (2017) categorised studies on legitimacy based on the study's conceptualisation of legitimacy either as a property, process, or perception. These concepts of legitimacy encompass Suchman's definition of legitimacy (1995) and are discussed briefly below.

Legitimacy as property, as the name implies, is an operational resource (Suchman, 1995); a thing owned, which can be maintained or potentially lost. Legitimacy as a property is the least common of the three typologies (Aldrich and Ruef, 2006) and focuses on the organisation and its external environment (Suddaby et al., 2017). The actors are said to own legitimacy, which is measurable and quantifiable (Bitektine and Haack, 2015), but not necessarily observable (Suchman, 1995). Legitimacy as the property is measured by the degree of fit or congruence between the material manifestation of legitimacy in an organisation and its normative expectations, which reflects an organisation's degree of learning (Aldrich and Ruef, 2006; Suddaby et al., 2017; Deephouse et al., 2017).

The second typology, _legitimacy as a process_, focuses on discursive legitimation and the process of legitimacy construction (i.e. persuasion, theorisation, and categorisation) (Sillince and Brown, 2009; Mueller et al., 2004). Legitimacy as a process occurs between multiple actors and the key focus is the interaction, language negotiation, and how congruence is achieved (Suddaby et al., 2017).

The final typology, _legitimacy as a perception_, explores not only the perceptual and subjective nature of legitimacy, but also the social construction of legitimacy (Bitektine, 2011; Bitektine and Haack, 2015). As earlier stated in the introduction chapter, legitimacy as perception retains components of legitimacy as property, but "adopts a metaphor of property as taste, assessment or judgement of the appropriateness of the organisation's product, practice or characteristics" (Suddaby et al., 2017: 462). This approach (i.e. legitimacy as perception) also retains the understanding of legitimacy as a process because it has its theoretical roots in the social construction of reality by Berger and Luckman, (1966). Legitimacy as a perception, however, focuses on the role of individuals in the process of social construction of legitimacy. Like legitimacy as a process, legitimacy as a perception adopts a multi-level approach but concentrates on the individual at the micro level (Suddaby et al., 2017). For a more in-depth view of these typologies, see Suddaby et al. (2017).

However, this thesis adopts the concept of legitimacy as a perception as this fits well with the social constructionist approach adopted and is also "based on the notion that legitimacy is not an attribute of individuals, actions, or institutions that can be objectively observed, but is instead a communicatively constructed concept that is ascribed to individuals, actions, or institutions in processes of social construction" (Palazzo and Scherer, 2006; see also Deephouse et al. 2017: 7; Berger and Luckman 1966; Habermas, 1996). Legitimacy as a perception can be measured by the level of organisational trust, i.e. trust perception from the government and trust perception from the industry actors on one another (Suchman, 1995; Deephouse et al. 2017). Consequently, perceptions determine whether "private actors are considered legitimate" (Scherer et al., 2013: 479-480). This thesis moves on to explore how legitimacy is portrayed in language studies, at the industry level.

3.3.3 General Challenges of Legitimation

The legitimacy of an organisation comes under attack when its business practices conflict with the societal expectations, and stakeholders (including the government) are compelled to intervene to bring about stability. In response, the organisation, and the government both produce a normative account or perception of organisational normativity, which is then endorsed by the organisational audience. As stated earlier, legitimacy threats come in the form of regulative, normative, and cultural-cognitive pressures. The alcohol industry has been subjected to all three forms of legitimacy threats in recent years (Christiansen and Kroezen, 2016; Scott, 2001 and 1995). All three forms of legitimacy (pragmatic, moral, and cognitive) described in the preceding section can be challenged during the process of gaining, maintaining, and/or repairing an organisations legitimacy (Suchman, 1995; see also Tilling, 2004). Suchman argued that few organisations pursue all three forms of legitimacy concurrently, albeit to different degrees, but cautions that not all legitimation approaches result in success for organisations and that organisations may inadvertently start to lose legitimacy (see also, Tilling, 2004; Barnett, 2006). Below is a description of these legitimation challenges and the different strategies adopted by organisations to overcome each challenge under the three different forms of legitimacy.

3.3.3.1 Gaining Legitimacy

Gaining legitimacy is a daunting task for organisations to win acceptance, either for their propriety of the activity in general or for their own validity as practitioners (Suchman, 1995). An organisation seeking to gain legitimacy adopts three main tactics in response to threats: they conform to their environment; select amongst the environment; or manipulate the environment (see Zimmerman and Zeit, 2002; Suchman, 1995). Organisations conform to their environment by associating or identifying with legitimate institutions (O'Donovan, 2002; Suchman, 1995; Lee et al., 2017; Winn et al., 2008).

The actions of the alcohol industry from the literature, where they acknowledge the presence of misuse in a minority of drinkers, and their suggestion of targeted intervention

in the form of alcohol education for such consumer groups as an alternative to government legislation, are a form of symbolic display. By doing so, they are said to manipulate the environment and institutionalise (see Zimmerman and Zeit, 2002) alcohol consumption by promoting the concept of responsible drinking and industry self-regulation. These three tactics require persuasive organisational communication (Dowling and Pfeffer, 1975). It is expected that an organisation seeking to gain legitimacy or having recently been conferred as legitimate engage in ongoing dialogue with its constituents and continually seek to influence these constituents' views about them, which helps to maintain their legitimacy (Barnett, 2006).

3.3.3.2   Maintaining Legitimacy

Maintaining legitimacy is said to be far easier than gaining or repairing legitimacy (Suchman, 1995). When organisations are seeking to gain or maintain their legitimacy, they are said to be proactive (Deegan, 2006). Nevertheless, when organisations are challenged with heterogeneous audiences and opposition from other institutions, they react to protect their past accomplishments (Suchman, 1995). Three aspects of legitimacy make maintenance a challenge and these are: (1) the presence of a heterogeneous audience; (2) stability (which entails rigidity); and (3) institutionalisation, which often generates its own opposition. Ongoing dialogue is, however, recommended to sense changes to social values, which may pose a threat to the organisation's legitimacy (Dowling and Pfeffer, 1975). Legitimacy threat can be event-based or a threat to the existence of the organisation which results to delegitimisation, as seen in the case of the tobacco industry (Malone et al., 2012).

3.3.3.3   Repairing Legitimacy

Organisations facing delegitimisation adopt strategies like those used for gaining legitimacy in the bid to repair their legitimacy (Suchman, 1995). Organisations are said to be generally reactive at this phase (Deegan, 2006; Deephouse et al., 2017) and they respond to crises when they occur, but they link them to wider issues. Strategies adopted include normalising their actions, restructuring their governing board, and avoiding overreactions such as panicking or accepting blame (O'Donovan, 2002; Suchman, 1995). To normalise their

actions, organisations in the process of repairing their legitimacy, *deny* the problems they are accused of, and in doing so, help allay constituents' pragmatic concerns. Organisations also *excuse* the problem by questioning the organisation's moral responsibility and *explaining* the disruptive events in ways that preserve an otherwise supportive worldview (see Winn et al., 2008). Another example is observed with the alcohol industry's assertion that MUP disproportionately penalises low-income individuals and families (Hawkins and Holden, 2012). The alcohol industry in this case, is said to justify their position, by raising questions on fairness, choice, and human rights amongst others, all of which appeal to human concerns as noted in Vaara and Tienari (2008).

Legitimacy needs to not be rigid; a variety of strategies can be elicited at any point in the lifetime of an organisation. Legitimacy, as used in this thesis, means the continued existence of the alcohol industry in Scotland as a legitimate sector positively perceived to be in alignment with societal expectations (Deephouse et al., 2017; Deephouse and Suchman, 2008; Suchman, 1995). In other words, the alcohol industry in Scotland is not a sector inhabited by businesses that have been forced to go underground because of MUP or one that has lost "public sympathy", even if it is a sector recognised by the law. For instance, although the tobacco industry is a legal business, it has continued to lose public sympathy in different regions of the world (Malone et al., 2012). Industry legitimacy often comes from different stakeholder groups including the government (i.e. external source of legitimacy), as well as from the industry actors themselves (i.e. internal source of legitimacy) (Deephouse et al., 2017; Suchman, 1995; Hoefer and Green, 2016). This section moves on to examine how legitimacy is portrayed in language studies.

3.3.4 Legitimacy in Language Studies – Discursive Legitimation

Luyckx and Janssens (2016: 1595) argued that legitimacy is "shaped through linguistic resources". This section of this thesis examines the works of Vaara and colleagues, whose empirical studies examined the discursive aspect of legitimation through texts produced by MNC (Vaara et al., 2006; Vaara and Tienari 2008; Vaara and Monin, 2010). A discursive

approach to legitimation focuses on the sensemaking processes through which legitimacy is established (see Luyckx and Janssens, 2016).

Vaara et al. (2006), in their study of media texts, attempt to understand the process of legitimation during an industrial restructuring. Using critical discourse analysis (CDA) approach, they distinguished and analysed 4 semantic functional categories of legitimation strategies in line with the work of van Leeuwen and Wodak (1999). Vaara et al. (2006) labelled these legitimation strategies as: (1) authorisation, (2) rationalisation, (3) moralisation, and (4) narrativisation (see also Deephouse and Suchman, 2008; Deephouse et al. 2017). Authorisation is defined as legitimation by reference to the authority of tradition, custom, law, and persons in whom institutional authority of some kind is vested (Vaara et al., 2006). Rationalisation is legitimation by reference to the utility of institutionalised social actions, and to the knowledge that society has constructed to endow them with cognitive validity (Vaara et al., 2006). Moralisation or moral evaluation is legitimation by reference to specific value systems (Vaara et al., 2006). Narrativisation or Mythopoesis is legitimation conveyed through narratives (van Leeuwen and Wodak, 1999). Vaara et al. (2006) added a fifth legitimation strategy which they labelled as normalisation and described it as a sub-type of authorisation, and 'fact-of-life rationalisation' or 'naturalisation' in van Leeuwen and Wodak (1999). Normalisation is defined as "legitimation by reference to normal or natural functioning or behaviour" (Vaara et al., 2006: 797). The authors argued that although journalists construct news texts, their use of specific legitimation strategy is not intentional or conscious. Vaara et al. (2006) acknowledged the lack of specific knowledge concerning the discursive processes, practices, and strategies used to (re)construct senses[26] of (il)legitimacy.

Vaara and Tienari (2008) focused on the micro-level discursive perspectives of controversial MNC actions using media text samples. Their study demonstrated the role of central discursive strategies as proposed by van Leeuwen and Wodak (1999), and these are already discussed in previous paragraphs (see Vaara et al., 2006). Vaara and Tienari (2008)

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[26] Legitimacy as perception

highlighted in their analysis the inherent politics of legitimation and advised that future studies should pay attention to these textual strategies (i.e. the interplay of different discourses and ideologies in text) as this enables one to see how legitimacy is created and manipulated in texts.

In another related study, Vaara and Monin (2010) focused on the role of discourse in the social construction of power relationships and social order at the micro-level with regards to the post-merger and acquisition process of organisations. The authors considered "discursive legitimation as an inherent part of the dynamics of merger or acquisition processes" (Vaara and Monin, 2010: 4), and highlighted the problematic consequences of legitimation frequently associated with mergers and acquisitions. One consequence is the "talking up" strategy used to manage impression and the adverse effect it has if the expectations cannot be met after the merger. The study concentrated on the problematic aspects and implications of discursive legitimation: how legitimacy and illegitimacy were constructed through specific discursive strategies and how these discursive constructions were linked with organisational action and the interests of particular actors. The legitimating strategies identified in van Leeuwen and Wodak (1999) and Vaara et al. (2006) were modified in line with the empirical evidence by Vaara and Monin (2010) to (de)naturalisation; rationalisation; exemplification; authorisation; and moralisation. (De)naturalisation was defined as rendering something natural (unnatural) by specific discursive means. Rationalisation involved providing specific rational arguments to establish legitimacy. Exemplification involved using specific examples to establish legitimacy (Vaara and Monin, 2010). Luyckx and Janssens (2016)'s study focused on how a sense of legitimacy is maintained for a controversial actor over a long period of time. The study found that discursive legitimation can take the form of both 'discursive antagonism' and 'discursive co-optation'. Discursive antagonism, the authors stated, consists of counter-narratives that aim to produce a positive image of the actor under scrutiny which is opposite to the criticism as well as a negative image of the opponents to undermine their credibility (Luyckx and Janssens, 2016). Discursive co-optation "is a form of legitimation that engages with criticism

by strategically appropriating previous opponents" (Luyckx and Janssens, 2016; see also Oliver, 1991 on influencing and neutralising the opposition).

Legitimacy from a discursive perspective is a "created sense of acceptance in specific discourses or orders of discourse" (Vaara et al., 2006) for organisations to conduct their business practices without fear of retribution from other key stakeholders or legitimacy conferrers (Deephouse et al., 2017). In this regard, it allows attention to be shifted from established legitimacy to the processes of legitimation through the examination of concrete discursive practices and strategies used. While these and other studies have given us important insights into the discursive side of legitimation, they have not focused on the alcohol industry or the discursive cleavages produced during policy deliberations.

Industry actors facing legitimacy threats seek to protect their legitimacy at an organisational or company level, or collectively at the industry level through the actions of their trade representatives. This is known as collective legitimacy and the literature on strategies for collective legitimacy are explored next. Alcohol industry, Collective Legitimacy, and Industry Level Strategies

The literature on the alcohol industry and their collective legitimacy strategies is sparse despite having faced increased legislative and regulative pressures from governments around the world because of the impact of their products on the health and wellbeing of their consumers. Increased regulatory change, however, posed a severe threat to the alcohol industry and resulted in the adoption of several strategies aimed at preventing deinstitutionalisation (Christiansen and Kroezen, 2016; Bond et al., 2009).

Christiansen and Kroezen (2016), in their study, examined how the alcohol industry maintained its business practice by using business collective actions to address alcohol issues. The authors used institutional theory to explain how the alcohol industry shaped their environment in response to social issues, in efforts to prevent the deinstitutionalisation at the organisational field level. Christiansen and Kroezen (2016: 125) argued that the "emergence of the issue of alcohol-related harm led to the emergence of a new

organisational form, the Issue-Based Industry Collective (IBIC)". The IBIC is a non-profit organisation that is established and funded by multiple industry actors to engage with a social issue. Examples of IBIC identified in the study include the Portman Group and the Drinkaware Charity. Christiansen and Kroezen (2016) argue that the actions of IBICs have contributed to the reframing of alcohol social issues, for example: the increased focus on responsible drinking, consumer education on safe drinking limits, and self-regulation. These alternate frames have contributed to maintaining the general institution of alcohol consumption. At the industry level, this thesis considers how different organisations choose to work independently and/or together to achieve collective legitimacy or perhaps work against each other and still achieve legitimacy.

The use of collective legitimation at a national and international level has been examined by Brewer (1972). Brewer (1972) stated that members of international organisations capitalise on their membership in order to strengthen their legitimacy, and concluded that this type of legitimation will be increasingly used by organisations. Collective legitimation is defined as an act by which legitimacy is attributed to a national policy and other objects (in this case an industry) by multilateral organisations (i.e. relevant alcohol stakeholders) (Brewer, 1972, emphasis added). This form of legitimacy has also been used by various organisations as observed in the studies by Barnett (2006), Winn et al. (2008), and Lee (2009), among others.

The study by Barnett (2006) shows that firms compete through individual and collective strategic actions. The individual activities may sometimes overshadow the collective activities, but firms persist until such a time where a force large enough to topple the collective action becomes a threat. During a legitimacy threat, firms attempt to regain control through a collective action which is said to resemble the resource mobilisation perspective of social movement theory (Barnett, 2006). The idea of collective legitimacy is explored by organisations through conformity to enhance their performance (Barnett, 2006; DiMaggio and Powell, 1983). Accordingly, Deephouse et al. (2009: 9) support this notion and affirm that organisations with similar characteristics stand a better chance of gaining legitimacy, whereas organisations that stand out gain a favourable reputation. The pressure

to conform, nevertheless, constrains a firm's behaviour. Whilst a successful collective action results in legitimation, the downside is a loss of independence for individual organisations (Barnett, 2006). Barnett (2006) explains that the collective actions of organisations vary depending on the lifecycle of the organisation. It has been observed that new/start-up organisations are sceptical of forming or entering a collective action partnership. On the contrary, established organisations form collectives much quicker and stay in them longer even after the threat to their legitimacy is gone (Winn et al., 2008). Matured organisations are said to form collective actions quickly in the face of legitimacy threats and once legitimacy is regained, they break off and resume competitive action against each other. In the declining phase (for example, organisations at the end of their lifecycle), the rewards of collective action are diminished, and it becomes extremely difficult to form or engage in collective action following a legitimacy challenge. If the attempt is unsuccessful, this results in delegitimisation and the death of the industry (Barnett, 2006).

Winn et al. (2008) conducted a qualitative longitudinal study of the forestry and salmon farming industries. They highlighted the different collective and competitive (individual) strategies adopted as the legitimacy threats progressed. One of the first strategies adopted was to change the face representing The British Columbia Salmon Farmers Association (BCSFA). This Suchman (1995) referred to as dissociation – a strategy aimed at repairing moral legitimacy. The BCSFA hired a former Public Relations firm that represented the tobacco industry to help manage their declining legitimacy. This transformed the trade body, but the legitimacy threats persisted. The BCSFA changed tactics by not challenging their critic but rather acknowledging their concerns – conforming to environment to gain both pragmatic and moral legitimacy (see Suchman, 1995). Another strategy adopted was to adopt the tactic of their contenders (conforming to models to gain cognitive legitimacy) and emotionally accuse them of bullying and harassment. These strategies however failed to rectify the legitimacy challenges facing the industry.

Failure of the collective action through the trade representative resulted in competitive actions by individual firms. The leading industry member (Marine Harvester) differentiated

itself, siding with its critics and accepting blame. This led to the promotion of a 'socially responsible' construct for the industry and the establishment of a joint venture with a rival aquarium and the United States environmental group to develop standards for salmon farming. Another strategy employed competitively was an increased corporate disclosure on the levels of sea lice and water quality data. Despite the mix of collective and competitive actions over the years, the controversies surrounding salmon fish farming persisted until 2007 and collective actions continue to focus on the economic viability of the industry. Other fish farming companies bought into and signed the salmon farming standards, and this enhanced the reputation of the individual companies. When organisations agree and adhere to an identity, they will be more accepted and viewed as appropriate in the eyes of their audience (Lee et al., 2017). Next, this chapter reflects on the connections between frames, cleavages, and legitimacy.

3.4   Reflections and Linkages

Having explored frames and framing, and legitimacy and legitimation, it becomes obvious to examine (1) how these concepts are related, and (2) how this relationship informs the key question of this thesis which is:

> *(How) can industry actors use frames to maintain collective legitimacy, irrespective of disagreements and cleavages, during and after a major policy negotiation with the government?*

This section reflects on the potential for frames to be used as a legitimating tool by industry actors amidst the cleavages and disagreements. This study assumes that language used by the industry actors studied is not intended only for policymakers but has a wider audience reach (including other policy actors, the public, and academics). From the foregoing, it is apparent that frames have the 'power to imbue or deny legitimacy to specific political actions'; this is however dependent on their resonance with the broader cultural repertoire

(see Ariel, 2008: 116). For example, Haunss (2007), writing on the Iraq war and the Bush administration, advised that empirical research on legitimacy and/or the processes of legitimation should pay attention to the role of actors in discourses and conflicts about legitimacy. By this the author means the language use.

The findings of the review on alcohol, framing, and policy studies raised more questions than answers and led me to question the rationale behind industry actors' use of frames amidst their differing opinions. I questioned the potential for frames to be used strategically for legitimation and or for reputation management. By legitimation, this thesis means the process by which legitimacy is conferred on the alcohol industry or protected. The literature suggests that the alcohol industry is not united (see Holden et al., 2012; Katikireddi et al., 2014a; Herrick, 2011). Signs of cleavages emerged during policy deliberation on MUP. Language as frames can be used to unpack the differences amongst industry actors. This thesis seeks to understand how frames can inform our understanding of the different cleavages and the forms of cleavages that emerged during the consultation process.

The word cleavage often evokes a negative connotation of disagreement, disunity, separation, and so much more. An organisation, industry, or family that is not in agreement is thought to suffer or fail in line with the 'divided we fall' analogy (see Barnett, 2006). The study by Katikireddi et al. (2014a: 250) states that the public health advocates during the MUP debates, "worked hard to redefine the policy issue by deliberately presenting a consistent alternative framing". The key word of interest from the quote above is 'consistent'. Their consistent approach helped in "prioritizing public health considerations" and the alcohol industry's divided approach may have contributed to their loss in successfully pushing the industry frames. But does the presence of cleavages always mean failure or a loss of legitimacy? Not necessarily. Cleavages between organisations are however harmful especially the conflict of interests that arise when organisations aggressively attempt to undermine public policy at the expense of public health. These actions are what undermines their legitimacy. This section of this thesis seeks to review the literature on cleavages and its impact on the policy process.

Cleavages have a negative impact on industry cohesion (Christiansen and Kroezen, 2016), their collective legitimacy, as well as on their ability to put forward a coherent argument to influence policy decisions (Holden et al., 2012). A departure from the agreed line by the biggest and potentially most influential member poses clear problems (see Winn et al., 2008; Lee et al., 2017). Cleavages mainly arise under the following conditions: (1) Where there is an interest to be protected; (2) Where there is a target audience (for example, government or regulator); (3) Where there is a disagreement between two or more parties in relation to the interest to be safeguarded (Barnett, 2006; Kim, 2017); and (4) the presence of large groups with different interests (Olson, 1965; McPherson and Sauder, 2013).

Cleavages become evident when a government or an individual seeks to introduce new regulatory measures. They are said to tap into existing interpretive schemas (frames) which offer meaning and they use this to make sense of their actions and also to appeal to their audience (Kim, 2017). In policymaking, policymakers often find it useful to exploit the cleavages between actors in order to drive forward their policy agenda (see Song, 2019).

Some authors have examined the effect of political cleavages on trade policies (see Brock and Magee, 1978; Feenstra and Bhagwati, 1982; Findlay and Wellisz, 1982; Kim, 2017) and election results (Irwin, 1996). These authors argue that "intergroup conflict expressed through lobbying activities determines trade policy outcome" (Beaulieu, 2002). By this, the authors imply that cleavages do have an effect and form along factor lines and in the case of immobile factors, the cleavages appear along the industry lines (Beaulieu, 2002). Inter-industry differences have been used to explain the politics of trade policy (Kim, 2017). Kim (2017) found that firms with high exporting rates are more likely to lobby against any factors that would increase the exportation cost, "especially when their products are highly differentiated". And also, that firms, lobby on trade policies targeting specific products, thus suggesting that firm-level preference matters more to those firms, compared to industry-level preference in trade policy, and hence, propagating to inter-industry division.

Cleavages as expressed through frames impact on the legitimacy of an organisation. The literature on cleavages so far however is inconclusive and thus signals a potential gap in the

literature. This thesis attempts to address this gap by questioning the role of cleavages in maintaining inter-industry cohesion during crucial policy deliberation and its overall impact on organisational legitimacy. One of the aims of this thesis is to understand the micro-level discursive strategies used in legitimating cleavages within an industry and between an industry and policymakers. This chapter moves on to present a summary of the research gaps identified and the steps taken in this thesis to resolve the identified gaps with the research questions and the subsequent research methods.

3.5   Summary of Research Gap and Research Questions

Studies on the UK alcohol industries and alcohol policy process have focused on how the industry seeks to influence policymakers. In recent years, interests in frame production by different actors have emerged (Hawkins et al. 2012; Hawkins and Holden 2013; Katikireddi, et al., 2014a; Anderson and Baumberg, 2006; Greenaway, 2011). Cleavages were identified in the literature on the alcohol industry use of frames and framing. These cleavages have been understood through the structure and function of the industry actors. This study however posits that cleavages can also, be understood by examining how industry interests are reflected through frames and seeks to explore any potential impact cleavages may have on legitimacy at the industry level as this, is underexplored in the literature so far.

The study of legitimacy has been approached by scholars who have adopted different assumptions about the phenomenon and Zald (1978: 71) asserts that legitimacy remains "one of the great unanalysed concepts" of organisational theory. This assertion could be as a result of the many and potentially infinite attributes of legitimacy which is constantly being generated by theorists with only a few attributes being empirically tested (see Deephouse and Suchman, 2008; Deephouse et al., 2017). This leads to yet another challenge as highlighted by Foreman and Whetten, (2002) and Tornikoski and Newbert, (2007). This challenge is in the form of an appropriate empirical measure that satisfies the different legitimacy constructs. This study acknowledges these concerns and chooses to use Suchman

(1995)'s conceptualisation of legitimacy to understand the rationale behind the alcohol industry actors' use of frames during the Scottish MUP policy debates and the impact of the observed cleavages on the policy actors and industry cohesion.

This study also examines the empirical utility of legitimacy as advocated by Deephouse and Suchman (2008). Collective institutional strategies are said to be reflected in the language used by organisations. It also suggests that the use of frames by industry actors positioning themselves on different sides of a debate, and that the inherent cleavages may be intentional and thus warrant further investigation. The literatures reviewed as part of this thesis give an important insight into the discursive side of legitimation, but none of them have focused on the alcohol industry or the document they produced as part of an alcohol policy and in relation to their legitimacy as an industry.

The finding of this review nevertheless points to the significance of framing in the policy formulation process and addresses the following topics: frames, framing, the importance of framing and the different ways frames are propagated in alcohol studies and social policy studies. The literature on alcohol policy studies and framing was further explored to understand the types of studies that have been conducted and to identify any potential research gaps. The studies reviewed showed disunity amongst alcohol industry actors, and this was evident in the language they used to represent themselves during policy negotiations. Next, the empirical evidence on cleavages was explored. The review on cleavages identified a dearth of evidence in the discursive representation of cleavages. Frames are often used to legitimate industry actors' positions and to understand industry actors' use of frame, the literature on legitimacy, and legitimation was explored. This reinforces the core question of this study: *(How) can industry actors use frames to uphold their collective legitimacy, irrespective of disagreements and cleavages, during and after a major policy negotiation with the government?* This question has three main parts – frames, cleavages, and collective legitimacy – and in order to enable a detailed interrogation of the question, it has been broken down into four sub questions as shown in the Table 1 below.

Table 1: Thesis sub questions

Themes	Sub questions
Frames and Cleavages	**Question 1:** How did the alcohol industry actors respond to the Scottish MUP policy consultation and what frames did the industry actors use to either oppose or support the policy?
	Question 2: How do these frames inform our understanding of the alcohol industry cleavages?
Legitimacy	**Question 3:** How do policymakers as legitimacy conferrers, perceive and respond to cleavages without negatively affecting industry legitimacy?
	Question 4: How do the alcohol industry actors discursively confer legitimacy on each other despite their cleavages?

Source: Author

The first question revisits the industry actors position on MUP, (re)establishes the presence of cleavages, and identifies the frames used to either oppose or support the MUP. This question, in line with the works of Holden et al. (2012), establishes the presence of cleavages. Holden et al. (2012) observed a divergence of interests between producers and retailers (inter-sectoral cleavages) and within the retail sector (intra-sectoral cleavages[27]), divergence between on-trade and off-trade. This thesis hopes to tease out more divergence and similarities between actors from different sectors and within the sectors, the reason behind industry actors position on MUP, and what this means for the MUP and the policy process. *Question 2* focuses on the frames industry actors used. Katikireddi et al (2014) explained hybrid framing as used by alcohol stakeholders and the competing frames as used by industry actors on opposing side of the debate (see also Hawkins and Holden, 2013). These existing literatures on the alcohol industry and the MUP policy incorporate consultation submissions and interviews from all alcohol stakeholders including public health practitioners. This thesis however focuses primarily on the alcohol industry actors and included the complete corpus submitted by the industry actors during the 2012 consultation period, including the evidence sessions and committee reports. The study also collected additional documents and interviews with policymakers in order to answer the research question on industry legitimacy. The focus on two stakeholder groups was to

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[27] Intra-sectoral cleavages refer to cleavages within the sector for example cleavages between producers based on the alcohol strength.

ensure that the opinion of the industry actors was understood and that the policymakers' perception on the industry as legitimacy conferrers was not overshadowed by other stakeholder groups. This thesis adds to these bodies of literature (i.e. Holden et al., 2012, Katikireddi et al., 2014; Hawkins and Holden, 2013) by focusing on frames which reflect the industry actors' interests on the economy and the society, and how these frames inform our understanding of cleavages, thus moving on from industry actors who support or oppose the MUP Bill.

Questions 3 and 4 focus on the perception of legitimacy of the alcohol industry first from the Scottish policymakers as conferrers of legitimacy and from the industry actors themselves (see Deephouse et al. 2017). It is apparent that the alcohol industry is not illegitimate following the MUP deliberations. The literature suggests that an industry or organisation which is not united will struggle to collectively influence policy (Christiansen and Kroezen, 2016) or withstand external negative pressures on their reputation (Winn et al., 2008; see Barnett, 2006). This thesis hopes to add to these bodies of literature and also extend the literatures on alcohol industry frames and cleavages by showing that an industry can be divided and yet retain its positive reputation and legitimacy. It also brings together the social sciences and business literature (i.e. frame theory and legitimacy theory) in a way that shows complementarity. The literature on discursive legitimation by Vaara et al. (2006), Vaara and Tienari (2008), and Vara and Monin (2010) explored in this chapter looks at the legitimation strategies adopted by MNC to prevent delegitimation (see also Luyckx and Janssens, 2016). This thesis builds on these bodies of work and establishes that these discursive legitimation strategies could also be use by legitimacy conferrers to protect the legitimacy conferred on an industry. In addition, industry actors in their submission and during the interviews used some discursive legitimation strategies to uphold the legitimacy of their competitors. This research is important as it makes an original contribution to existing body of literature and brings a new perspective to the study of the alcohol industry by interrogating policy submissions using legitimacy theory. Next, the thesis presents the methods adopted for answering the research questions this thesis asks and the rationale for the selected methods.

CHAPTER 4.   METHODOLOGY 1 – PHILOSOPHICAL POSITION AND DATA COLLECTION METHOD

4.1   Introduction

The policymaking process is complex. In particular, it involves many language-mediated interactions, amongst other things. The complex nature of the policy setting makes the process prone to contestations, cleavages, and sometimes capture by parties with stakes (i.e. vested interests). In this chapter, I present the philosophical position guiding this thesis: interpretivist-constructivist epistemology and social constructionist ontology and the data collection method – i.e. document selection and participants' selection for the interviews and the rationale for these choices.

4.2   Research Epistemology and Ontology

Given the nature of the research question this thesis seeks to answer, which is exploratory and dependent on meaning-making, this study adopts an interpretivist epistemological position. Interpretivism takes the subjective meanings of social actions seriously, which is fundamentally different from the quest for objectivity characteristics of positivism. Interpretivism assumes that experiences are unique, worthy to be understood in their own right, and therefore cannot be easily generalised. It aims to understand the differences between people and objects in the natural world, relying on the subjective or lived experiences of the individuals or phenomenon being studied. It accepts the possibility of the coexistence of multiple truths and empowers the researcher to exercise a significant amount of agency to the object of inquiry through subjective meaning making. In other words, interpretivism calls for a different logic of research procedure that reflects the distinctiveness of socially constructed realities against the apparent objectivity and concreteness of the natural world.

Interpretivism has a longstanding influence in the emergence of the social sciences. Max Weber, in his 1947 work, for instance, described sociology as a science which attempts the interpretive understanding of social action in order to arrive at a causal explanation (Bryman, 2012). Weber's work has influenced great scholars over the years, including Alfred Schutz on phenomenology, which is concerned with how individuals make sense of their world, and Von Wright (1971) on hermeneutics (Bryman, 2012).

An interpretivist stance, as used in this thesis, presents the researchers' interpretation of the actions of the social actors involved in the study, with the aim of using this interpretation to contribute to theory development (Bryman, 2012). The contribution to theory building, in this case, can be either through inductive or abductive strategies. Inductive strategy implies the building of theories from observations – the research observes a phenomenon, interprets it, and uses that interpretation to either create or contribute to a theory. Abductive strategy starts with a puzzle, observes it, and seeks to explain or make sense of it with some theories. An abductive strategy closely resembles an inductive strategy as it assigns a confirmation-theoretic role to explanation (Douven, 2017). However, the distinguishing factor is that the theoretical account in an abductive strategy is grounded in the worldviews of those researched. For example, in attempting to understand the industry actors' perspectives from the documents they produce (which reflect their worldviews on policy issues), the social scientific account of the social world from that perspective can be teased out for a better understanding (Bryman, 2012) of the industry actors' position and for a reasoned conclusion (Dudovskiy, 2018).

This thesis adopts an abductive view because it focuses on the theoretical understanding of the context and the interactive actions of the actors involved (i.e. the alcohol industry actors and policymakers). As an interpretivist methodology, abductive strategy fits well with the social constructionist ontological position (which is discussed next), the selected theories, the proposed data collection, and the analytical method selected for the thesis (see Creswell, 2012). An abductive strategy moves iteratively between empirical findings and the selected theories (frame theory and legitimacy theory) for the thesis. The data collected is

used to explore a phenomenon, identify themes and patterns, and locate these in a conceptual framework (Dudoviskiy, 2018).

As earlier stated, the thesis adopts a constructionist ontological position which considers how social phenomena or objects of consciousness develop in the social context (Blaikie, 2000). Constructionists contend that reality is subjective, multiple, and socially constructed by its participants (Tuli, 2010). This closely aligns with the relativist position, but the constructionist posits that the world, as we know it, is not given but continuously being created and recreated to reflect different actors' perceptions of reality (Berger and Luckmann, 1966). Social construction is defined as a theory of knowledge with its roots in sociology and communication theories (Leeds-Hurwitz, 2009). Leeds-Hurwitz (2009: 892) describes social construction as a "development of jointly constructed understandings of the world that form the basis for shared assumptions about reality". In other words, social construction theory centres on the notions that humans make sense of their experiences by creating models of the social world, which they then share through language (Leeds-Hurwitz, 2009; Berger and Luckmann, 1966).

Social constructionism as a theory became popular in the United States of America following the publication of the book *The Social Construction of Reality* by Peter Berger and Thomas Luckmann in 1966. Berger and Luckmann's social constructionism have its roots in phenomenology[28] and symbolic interactionism[29] (see Bryman, 2012). Fairhurst and Grant (2010: 174) argue that "all knowledge, including the most basic, taken for granted common sense knowledge of everyday reality, is derived from and maintained by social interactions". Social constructionism does not deny reality. It contends that reality is brought to life through language and is changed in the process (see Baghramian and Carter, 2019). Social constructionism is an extreme form of relativism, which contends that reality is not given but is constructed (Baghramian and Carter, 2019). It challenges the concept of objectivity,

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[28] Phenomenology questions how individuals make sense of the world around them without undue influence by the researcher (see Bryman, 2012: 714).

[29] Symbolic interactionism is a theoretical perspective adopted in sociology and psychology. It views social interaction as taking place in terms of the meaning's actors attach to things and actions (Bryman, 2012: 716).

truth, and accuracy, which most scientific experiments rest on and accept that there are different ways of understanding the world and that no singular construct can be said to be the truth (Mallon, 2019). In other words, social constructionism is not interested in the truth but the coexistence of different perspectives of events. The main criticism of the social constructionist approach is the fact that reality is often taken for granted (Andrew, 2012).

Nevertheless, constructionism and interpretivism constitute an inter-related process of making sense of reality and perceptions, which is central to the research problem of this thesis as well as the selected theories, the type of data collected, and the analytical methods adopted. The social construction of an issue is closely linked to the framing of that same issue. The similarities of social construction and framing lie in the fact that how a problem or an issue is presented determines how it is perceived and managed. This perception, however, is not static – it is continuously being negotiated and renegotiated over time (Berger and Luckmann, 1966; Fairhurst and Grant, 2010). The social constructionist viewpoint adopted in this thesis aims to understand how industry actors perceive and respond to regulative threats during a policy consultation process. The benefits of a social constructionist viewpoint to this thesis is that knowledge is viewed as a socially constructed outcome. It views society as existing as both subjective and objective reality where meaning is continuously shared (Andrew, 2012). A constructionist approach is not concerned with ontological questions of causation. This study asks broad, general, and open-ended research questions, which focus on the interactions and process of sense-making. Greener (2011) and many others maintain that the epistemology, ontology, and methodology are intrinsically linked and that knowledge of the philosophy of social research makes the researcher more likely to make informed choices about the methods. The data collection methods for this thesis – texts and semi-structured interviews – are in line with the researchers' philosophical positions. They are subsequently analysed thematically and guided by frame theory and legitimacy theory. Thematic analysis, as an analytical method, shares some similarities with a grounded theory approach[30] (Braun and Clarke, 2006), and fits in with the interpretivist

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[30] Grounded theory is an iterative approach to the analysis of qualitative data which aims to generate theory (Bryman, 2012).

epistemology and the social constructionist ontology viewpoint adopted. The choice is also a reflection of the research question and the data sources, as explained below.

4.3   Data Collection Methods

The empirical data for this study is mainly derived from industry/policy texts and semi-structured interviews with alcohol industry actors and Members of the Scottish Parliament (MSPs). By texts, this thesis means documents submitted by alcohol industry actors to the Scottish MUP consultation, transcripts of evidence sessions between industry actors and designated committees, the committee reports, transcripts of parliamentary debates, information from the industry actors' websites, and corporate reports. The data collection for this thesis was conducted in two waves. Wave 1 (October 2014 to April 2015) – identification of industry actors' submission to the MUP consultation, identification of the transcripts of the evidence sessions with the committees and first attempt to recruit interview participants. Wave 2 (March to August 2019) – addition of the committees' reports and the transcripts of parliamentary debates, second attempt at recruiting interview participants from the alcohol industry and the committee members (i.e. MSPs), and the selection of industry actors annual/corporate reports from their websites.

4.3.1 Documents as Empirical Data Source

According to Fairclough (1992), the act of producing and disseminating texts confers a political stand and underlies the most fundamental struggle for power and control. Textual data is arguably the most widely available data source in the study of politics, and political documents have great potential to reveal information about the positions, attitudes, and activities of their authors at a precise point in time (Kluver and Mahoney, 2015). The texts/documents included in this thesis are the alcohol industry actors' submissions to the Scottish MUP consultation, the transcripts of evidence sessions between the policy committees and industry actors, the committees report, transcripts of parliamentary

debates with MSPs, evidence from industry actors' websites, and corporate reports. These documents were chosen for this thesis because they are perceived to have the ability to inform discourse and shape policies (Phillips, Lawrence, and Hardy, 2004). As such, they are critically relevant to the study. In addition, they are publicly available and remove the problem with access to informational materials to a large extent. Access to research materials/information is key to the success of any research.

Documents are said to be "windows into social and organizational realities" (Bryman, 2012). Atkinson and Coffey (2011; quoted in Bryman, 2012) argue that documents should be viewed as a "distinct level of reality in their own right". This means that documents should be examined based on the context in which they are written and who the targeted audience(s) is/are (Bryman, 2012). As such, documents are said to be written to convey an impression that will be favourable to the authors and their representatives and should not be assumed to be a "transparent representation" of the social reality of an organisation. To understand the content of a document, other documents related to the issue being discussed (be it produced by the same organisation or not) may need to be analysed for contextualisation. Atkinson and Coffey (2011) referred to this as 'intertextuality'.

I present below the collection sequence of the texts used in this study.

4.3.2 Wave 1 – Consultation Submissions

The data collection process started off with emails sent to alcohol industry actors for the submissions they made to the Scottish MUP consultation process. The feedback from this process was not encouraging. Some industry actors sent across by email submissions they made to the Westminster consultation and one signposted me to the Scottish Parliament website. The Scottish Parliament website is not the easiest to navigate, especially if you do not know the title(s) of the document(s) you are looking for. Two separate phone calls to

the Scottish Parliament soon resolved this and a link[31] to the MUP consultation page was sent to me officially by email by an official of the Scottish Parliament.

The webpage highlighted five sections: the introduction of the Bill; stages 1, 2, and 3, and a fifth section titled 'after passing'. These five sections correspond to the five stages of the MUP Bill (see section 2.3. above). All five sections from the Scottish Parliament website were studied in detail.

The first section was the introduction of the Bill and this reflected on the nature of the Bill. The second section is the first stage of the Bill which involves the deliberation of the Bill at the committee stage by the HSC and the FC. The HSC received 95 written submissions from different alcohol stakeholders following the call for evidence from affected parties. It is at this stage of the policy process that alcohol stakeholders seek to influence the policy consultation. 85% of the respondents were in favour of the Bill and 15% opposed it (HSC report, 2012, paragraph 11). The committee heard oral evidence from 28 witnesses, of which eight were alcohol industry actors. The FC scrutinised the Financial Memoranda (FM), which accompanied the Bill and reported its findings to the HSC. They also considered both written and oral evidence from affected organisations identified by the FM as being potentially affected by the Bill and the Scottish Government Bill team. The FC heard oral evidence from two industry actors and the transcripts of the sessions are accessible via a link from the main FC report document. Another committee, the Subordinate Legislation Committee reported its finding on the Bill to the Parliament. The third section was the second stage of the Bill. This stage was overseen by the HSC who considered the lists of amendments to the Bill and took evidence from the NHS Boards budget scrutiny. The fourth section is the list of amendments that was debated and agreed upon by the Scottish Parliament prior to the Bill being passed. This stage of the Bill includes the research briefing

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[31] Link to the MUP consultation page on the Scottish Parliament website -
http://www.parliament.scot/parliamentarybusiness/bills/43354.aspx accessed June 20 2017

on the Bill by SPICe in January 2012 and May 2012. The fifth section contained the Bill in its final form.

After studying the various sections of the Bill, on the website, it was apparent that the submissions from the alcohol industry actors were considered at stage 1 of the Bill, section two. All three documents under stage 1 (from the website) were reviewed and are described below. The parliamentary debates and the transcripts of these were obtained from the links on stage 3.

4.3.2.1   Data source 1 - Industry actors' consultation submission to the HSC

The first document of Stage 1 Report on the Alcohol Minimum Pricing (Scotland) Bill (2MB pdf) was downloaded, printed, and read cover to cover. This document is the HSC 2nd report (session 4), and it is 76 pages long. The document gave a detailed account of the MUP consultation process, the debates, and the minutes of the committee meetings. It cited both quotes from oral evidence given by alcohol stakeholders and quotes from the written evidence submitted. Some of the evidence received by the committee were deliberated in private. Documents submitted by alcohol industry actors and the oral evidence sessions were considered at the 3rd Meeting, 2012 (Session 4) held on Tuesday 17 January 2012. Page 64 of the report provides the link to the written evidence submitted by eight alcohol stakeholders of which two are alcohol producers (Diageo and Tennent Caledonian Breweries UK) and four trade representatives (Scottish Whisky Association (SWA), National Association of Cider Makers (NACM), Scottish Beer and Pub Association (SBPA), and Scottish Licensed Trade Association (SLTA)). The remaining two stakeholders are non-alcohol industry actors. The above submissions were considered in private by the HSC. All six industry actors' submissions were downloaded, printed, and added to the data pool. Page 65 of the report provided further links to four supplementary written evidence submitted by three alcohol trade association – SWA, SBPA (parts 1 and 2), and SLTA. These supplementary submissions were made in response to the HSC call for additional information on the 'Pricing Mechanism' for the proposed MUP. These four supplementary submissions were also downloaded,

printed, and included in the data pool. There was a link on page 65 to the oral evidence session to the HSC and this document is discussed in the next section.

On page 67 - 68 Annexe C, was a list of other written evidence from all alcohol stakeholders, with a total of 97 links. The list of alcohol industry actors who participated in the PHRD was used as a guide to search for eligible industries' submissions. All submissions to the HSC and the FC by known alcohol producers, retailers, and their trade representatives were automatically eligible for inclusion into the studies. Other less-known brands/organisations were identified by reading the title page of the submission to ascertain eligibility for inclusion. This approach resulted in the identification of submissions made by the Scottish Grocers Federation (SGF), Scottish Retail Consortium (SRC), and Campaign for Real Ale (CAMRA). The individual submissions by names (six in total) identified by the suffix "indv.", were read and those who identified themselves as 'Licensee' (two out of six) were included into the study. This led to the identification and inclusion of two submissions from individual licensees (Mr J. Stewart and Mr D. Bremner). A total of thirteen submissions were retrieved from this list as a result and added to the data pool bringing the total of industry actors' submissions to the HSC to 23 as shown in Table 2. All the consultation responses retrieved were downloaded, printed, and read a couple of times, so that I could familiarise myself with their content, prior to analysis.

Table 2: Alcohol industry's written submissions to the Health and Sports Committee

Evidence type	Document reference	Industry Sector
Section 1		
3rd Meeting 2012 (Session 4), 17 January 2012 - Written evidence	Scotch Whisky Association - Alcohol (Minimum Pricing) (Scotland) Bill MIN65	Trade association
	Diageo - Diageo Response to the Health and Sports Committee's call for Evidence on the Alcohol (Minimum Pricing) (Scotland) Bill	Producer
	Tennent Caledonian Breweries UK - Alcohol (Minimum Pricing) (Scotland) Bill MIN85	Producer
	National Association of Cider Makers (NACM) - Alcohol (Minimum Pricing) (Scotland) Bill MIN43	Trade association
	Scottish Beer and Pub Association (SBPA) - Alcohol (Minimum Pricing) (Scotland) Bill MIN68	Trade association
	Scottish Licensed Trade Association Alcohol (Minimum Pricing) (Scotland) Bill MIN72	Trade association

Evidence type	Document reference	Industry Sector
Section 2		
Supplementary Written Evidence	Scotch Whisky Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism	Trade association
	BBPA - ALCOHOL TAXATION IN THE UK Why alcoholic drinks are not, and should not, be taxed solely on equivalent alcohol content. October 2010	Trade association
	Scottish Beer and Pub Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism	Trade association
	Scottish Licensed Trade Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism	Trade association
	Wine and Spirit Trade Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism	Trade association
Section 3		
Stage 2 – List of other written evidence	Dave Bremner - Alcohol (Minimum Pricing) (Scotland) Bill MIN10	Individual licensee
	Campaign for Real Ale (CAMRA) - Alcohol (Minimum Pricing) (Scotland) Bill MIN14	Trade association
	Chivas Brothers Ltd and Pernod Ricard UK[32] - Alcohol (Minimum Pricing) (Scotland) Bill MIN19	Producer
	Co-operative Group - Alcohol (Minimum Pricing) (Scotland) Bill MIN26	Off-trade retailer
	The Edrington Group - Alcohol (Minimum Pricing) (Scotland) Bill Response to the Health and Sports Committee's call for Written Evidence - Draft	Producer
	Molson Coors Brewing Company (UK) Limited - Alcohol (Minimum Pricing) (Scotland) Bill MIN41	Producer
	SABMiller - Alcohol (Minimum Pricing) (Scotland) Bill	Producer
	Scottish Grocers' Federation - Alcohol (Minimum Pricing) (Scotland) Bill MIN70	Trade association
	Scottish Retail Consortium - Alcohol (Minimum Pricing) (Scotland) Bill MIN75	Trade association
	Jonathan Stewart - Alcohol (Minimum Pricing) (Scotland) Bill MIN83	Individual licensee
	Whyte and Mackay - Alcohol (Minimum Pricing) (Scotland) Bill MIN92	Producer
	Wine and Spirit Trade Association - Alcohol (Minimum Pricing) (Scotland) Bill MIN93	Trade association
	WM Morrison Supermarkets - Alcohol (Minimum Pricing) (Scotland) Bill MIN94	Off-trade retailer

Source: Author

Of the twenty-four written submissions to the HSC, nineteen responded to two key consultation questions. These questions focus on "the advantages and disadvantages of

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[32] Referred onwards as Chivas Brothers

establishing a minimum alcohol sales price based on a unit of alcohol" and "the level at which such a proposed minimum price should be set and the justification for the level". The third question was on "any other aspect of the Bill" that the industry actors wished to comment on. Six of these highlighted the questions above at the beginning of the respective sections; the other thirteen submissions were free-flowing and covered at least the first two questions in their responses. The written submissions to the HSC ranged between two to eight pages long and most often began with a corporate statement about the organisation, its products, and employee numbers. For the analysis, the nineteen submissions were initially categorised to reflect the three different alcohol sectors (i.e. producers, retailers, and trade associations) and then later categorised to reflect industry actors' interests as either supporters or opposers of the Bill (cleavage lines).

The additional five submissions responding to the HSC call "on the mechanism by which a minimum price for a unit of alcohol could be adjusted periodically" focused on two options (index-linked and modelling based) as set out by the committee. Four of these five submissions were free-flowing and were straightforward with no subheadings or numbered paragraphs. The responses were 1 to 2 pages long and the trade associations who opposed the MUP made it clear (on the first page) that responding to the government's call on 'pricing mechanism' does not change their position on the Bill. The fifth and additional submission by BBPA, the sister company of SBPA, focused on alcohol taxation. The BBPA used graphs and charts to present its evidence on the disadvantages of alcohol taxation based on "equivalent alcohol content".

4.3.2.2   Data source 2 - Transcript of evidence session with the HSC

As earlier stated, the HSC document reviewed above provided a link[33] on page 65 to the oral evidence session conducted by the HSC. The HSC heard evidence from 13 industry stakeholders, eight of which were alcohol industry actors (SBPA, SWA, Tennent Caledonian, Asda, Diageo, NACM, Tesco, and SLTA). The document is 83 pages long and consists of

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[33] Link to the HSC oral evidence session
http://www.parliament.scot/parliamentarybusiness/report.aspx?r=6862&mode=pdf

transcripts of the meetings on various subjects. The section/transcript pertaining to alcohol industry actors was 44 pages long (pages 819 to 862). There were no prepared statements from the industry representatives, so the session went straight to questions and answers. The eight representatives answered questions from committee members; some of the questions were directed to specific industry sector representatives whilst other questions were asked openly for any of the representatives to respond to. The responses from the representatives were either directly responding to a question or comment on another representatives' response. The transcript of the session was downloaded, printed, and added to the data pool.

4.3.2.3   Data source 3 - Industry actors consultation submission to the FC

The second document from the Scottish Parliament website under Stage 1 Report on the Alcohol (Minimum Pricing) (Scotland) Bill (414KB pdf) is the Finance Committee (FC) report, a web-only document which is 80 pages long. The report covered the FM associated with the MUP Bill, contained a summary of the evidence presented, and copies of submitted written evidence by alcohol stakeholders. The FC agreed to seek written evidence from several organisations identified in the FM as being potentially affected by the Bill at their meeting on November 16th, 2011. Written submissions were received from thirteen alcohol stakeholders, four of which were industry actors with a total of six submissions as shown in Table 3 below. Of the six eligible submissions, the submission from the SGF was excluded as it is a duplicate which was also submitted to the HSC. Another submission from the NACM was also excluded from this group because it was written in a different format and did not address the set consultation questions posed by the FC. The submission by the NACM was instead included with the analysis of alcohol trade association submissions to the HSC on 'Pricing Mechanism'. The four eligible submissions from this data pool were added to the data pool.

Table 3: Alcohol industry's written submissions to the Finance Committee

Evidence type	Document reference	Alcohol industry actors
Written evidence – Submitted to the Finance Committee	Submission from the National Association of Cider Makers (NACM). Page 31-34	Trade association (wrong category)
	Submission from the Scottish Grocers Federation. Page 49-52	Trade association (Duplicate copy)
	Submission of written evidence - Scottish Grocers Federation. Page 52-57	Trade association
	Submission from the Scotch Whisky Association. Page 58-64	Trade association
	Submission from the Wine and Spirit Trade Association. Page 67-73	Trade association
	Appendix A - WSTA[34] response to the government's initial consultation to its minimum unit pricing proposals. Page 74-78	Trade association

Source: Author

The FC received six written submissions from four alcohol industry actors, of which two were duplicates. Three submissions from the SGF, SWA, and WSTA responded to eight questions posed by FC. The submission by SGF was brief and straightforward. The submissions by the SWA and WSTA were lengthy and deviated occasionally from the questions. The fourth and last submission by the WSTA responded to six different questions. This submission was also long with lots of repetitions of points already presented in other submissions made to the HSC.

4.3.2.4   Data source 4 - Transcript of evidence session with the FC

The FC heard oral evidence from two alcohol industry actors – the SWA and the SGF on December 21st, 2011. The report was 22 pages long and the link[35] to the oral evidence session was on page 3 of the FC web-only report. There were no prepared statements taken from the industry representatives, so the session went straight to questions and answers. Some of the questions asked made references to comments made by the trade associations in their written submissions to the committee and also referred to the FM. The transcript of the evidence session was downloaded, printed, and added to the data pool.

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[34] The Wine and Spirit Trade Association (WSTA) is the trade body representing over 345 companies producing, importing, and selling wines and spirits.
[35] Link to FC oral evidence session
http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6641&mo de=pdf.

Adequate checks and steps were taken to ensure that no alcohol industry actors' submission to the Alcohol MUP Scotland policy debate was omitted from the data pool. All eligible submissions and transcripts (mentioned above) were downloaded, printed, and read and then uploaded onto Nvivo 12 in preparation for analysis.

In summary, textual analysis of freely available documents offers a quick, relatively easy, efficient, and cost-effective way of obtaining volume and comparative data (Bowen, 2009) on industry actors' use of language. Documents as a qualitative research method enable the researcher to "capture more naturalistically what research participants wish to express because they are able to use their own words" (Greener, 2011). In addition, they are effective means of gathering data when events can no longer be observed or when an informant has forgotten the details of the event in question (Bowen, 2009). Finally, documents have been used as accessories to other research methods, such as interviews and participant observations for triangulation (Glaser and Strauss 1967 in Heath and Cowley 2004; Bryman, 2012), but are employed as the primary data collection method in this study.

4.3.3 Interviews: Data Source for Triangulation

Interviews are one of the most common methods for data collection in qualitative healthcare and social science research (Ryan et al., 2009). They are used to explore the views, experiences, beliefs, and motivations of individual participants (Legard et al., 2003). Interviews provide "a 'deeper' understanding of social phenomena" compared to the use of quantitative methods (Gill et al., 2008). This thesis adopts a semi-structured interview style. Gill et al. (2008) advocate that interview questions should be designed in such a way as to yield enough information as possible about the study phenomenon and to address the research aims and questions (see also Bryman, 2012). The downside of interviews includes challenges with the duration and setting up an appropriate time for both interviewee and interviewer. Nevertheless, a growing number of interviews are now being conducted over the telephone (Holt, 2010). The challenge with this form of interview is the inability to capture non-verbal responses (body language, a pause, or snigger et cetera.)

which add to the richness of the data. This is, however, managed with the growing use of online video interfaces (i.e. Skype) (Lo Iacono et al., 2016; Deakin and Wakefield, 2014). In whatever way the interview is conducted, the interviewer should ensure that the environment is non-threatening for both parties, that the process is well explained, and that issues around informed consent, confidentiality, and anonymity are clarified (Connaway and Powell, 2010; Ryan et al., 2009).

4.3.4 Wave 2 – Interviews and Additional Documents

Following the analysis of the submissions by the alcohol industry actors to the MUP policy consultation, and the initial failed attempt at recruiting interview participants, it was decided that a further attempt be made to speak with alcohol industry actors to explore some emerging themes and burning questions on cleavages. I approached my department and filled out an ethics permission form. The study obtained ethical permission from Durham University, Department of Sociology ethics committee. Ethical permission was obtained for permission to approach potential interviewees and speak to them on the subject related to the research question the thesis seeks to answer. Written and verbal consent was then obtained from the interviewees prior to the interview. The initial consent was for their participation and subsequent consent was for the interview to be recorded and for extracts of the interview to be used in my thesis and other academic writing.

In the context of this thesis, interviews are used as both primary data and for triangulation (Blaikie, 1991) in order to probe characteristics of the institutional contexts not captured in the texts and validate emerging themes/trends observed from the documentary analysis.

4.3.4.1 Data source 5 - Recruitment of Interview Participants

In February 2019, I embarked upon another attempt to recruit members of the alcohol industry for interviews. I was introduced to the senior manager for operations and policy of the Scottish Business in the Community by a mutual contact to negotiate access to Scottish based alcohol businesses for potential interviews. I was also introduced to Diageo's Head of

Corporate Relations in Scotland, who kindly declined my request for an interview and instead directed me to another contact at the SWA. The process of recruiting potential interviewees was very slow and reminder emails for response were sent a couple of times without luck.

In March 2019, I decided to directly contact industry actors from all the organisations who made submissions to the MUP consultation. I generated a list of potential interviewees by going through the industry submissions and noting the names of individuals/authors of the submissions. The names of alcohol industry actors from the oral evidence sessions were also noted. For organisations whose submissions did not bear an author's name, I proceeded to the organisation's website (for example, Tennent Caledonian, The Co-operative Group, SRC, and Pernod Ricard) and noted down the names and contact details of their chief executive officer or managing director. Two additional contacts were purposively added to the list (Greene King Brewers, and Heineken), making a total of twenty-nine potential interviewees. I then proceeded to locate the individuals on LinkedIn (a professional networking site). Twenty-five contacts were found and an introduction message requesting for connection was sent (see Appendix 2). Three contact names had no LinkedIn profile and their company website indicated that they had retired (n=2) and deceased (n=1), and two organisations had to be contacted by telephone (Pernod Ricard, and SLTA) to establish contact. The process of locating potential industry actors revealed that 13 had left the primary organisations they represented during the consultation. The reason was put down to organisational restructuring (n=1), retirement (n=3), change of role within the organisation (n=1) and eight had no information on their current position or had moved jobs to other non-alcohol industry sector.

Of the twenty-five invitations sent via LinkedIn for an interview request, 7 responded positively and accepted to be interviewed, 4 declined, and no response was obtained from the remaining 14. Four organisations were contacted by telephone and email: 2 signalled interest and 2 declined. Following a positive response to partake in the study, a follow-up message was sent with details about the study and consent form (see Appendix 3 and

Appendix 4). Some industry actors (n=2) asked for the interview questions in advance and indicative questions were sent out to them. Convenient dates and time were agreed for the 9 industry actors who accepted to be interviewed. The potential interviewees were offered a choice of Skype or telephone interview (given that the interviewees were not all based within my geographical location), or meeting in person at a mutually convenient location. Some of the potential interviewees opted for Skype (n = 3), and (n = 6) opted for a telephone chat rather than face-to-face interview due to their busy schedule. This worked well for me in terms of travel cost and time, especially for participants outside my geographic location, but these also presented some minor challenges – including the inability to capture non-verbal cues (see Holt, 2010; Lo Iacono et al., 2016; Deakin and Wakefield, 2014). Nevertheless, some non-verbal cues (for example, hesitation, repetition, long pauses, laughing) were captured from the audio recording and the absence of face-to-face interaction did not impact on the richness of the data collected, nor was it essential for the thesis. Overall, most of the interviewees seemed pleasant, sounded relaxed, and gave straightforward answers. One of the interviews did not take place, as the interviewee had a clash in his diary and was thus missed. Further attempts to reschedule the interview did not yield positive results. The interviews lasted between 10 and 40 minutes. Seven interviews were tape recorded and transcribed (a sample copy of one of the interview transcripts, transcribed verbatim and with annotations can be found in Appendix 5. All the participants were offered anonymity to encourage them to speak more openly and freely, and this was strictly adhered to. All interview recordings were deleted following transcription, and the transcripts are anonymised and stored on a password protected device. Interview extracts used in the finding chapters are anonymised to protect the identity of the interviewees. One interviewee did not consent to our conversation being tape recorded; and would only speak to me for 10 minutes and answered questions pertaining to post implementation of MUP.

A semi-structured interview was decided to be the best approach in line with the social interpretivist and constructionist philosophical position (see Bryman, 2012), and also because of the sensitive nature of the topic and issues that emerged during the textual analysis of industry submission which required further exploration (see Fossey et al., 2002).

An interview guide was developed (see Appendix 6) accordingly, leaving room for more probing questions to be asked as the interview progressed. An alternate data collection method for this thesis considered is questionnaire and/or focus group[36]. The questionnaire approach is however best suited for answering a 'what question'. Questionnaires also lack depth and do not capture the meaning and interpretations of the social world of the social actor (Blaikie, 2000; Bryman, 2012). The use of questionnaires and focus group were ruled out because of the type of participants and the sensitive nature of the questions (Barbour, 2008) the thesis sought to explore on cleavages, intra-industry cohesion and industry legitimacy following the MUP debates.

After the first three interviews with the industry actors, I decided to seek the views of the policymakers who were directly involved in the MUP deliberation to adequately address some burning questions. The list of MSPs from the HSC and FC was compiled from the evidence session reports. Attempts were made to contact all nineteen committee members through LinkedIn and then through their parliamentary webpage. Of the nineteen requests sent, four accepted to be interviewed, three declined, and twelve did not respond. Of the twelve that did not respond, one was retired, another deceased, and two were no longer in parliament. Of the 4 MSPs that agreed to be interviewed, 3 interviews took place. The last MSP never got back to me with a date despite several emails and calls to his parliamentary and constituency office. The analysis presented in the second and third findings chapter draws from interviews with the MSPs and eight industry actors. The industry actors are broken down as shown in the Table 4 below with their assigned participant number code.

Table 4: Alcohol industry interview participant code

Industry sector		Participant number code
Producers	Beer producers	1, 6, 8, 9
	Whisky producers	1, 7
Trade Associations	Off-trade trade associations	3, 5
	Producer trade associations	4
	On-trade/ consumer trade associations	2

Source: Author

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[36] Focus group is a form of a group interview with a moderator asking the participants questions. The emphasis is on the interaction within the group and the joint construction of meaning (Bryman, 2012).

Further reflection: The lack of industry actors participating in research interviews has been highlighted in the study by Hawkins and colleagues. Hawkins et al. (2012) stated that most of their interview participants were drawn from public health practitioners and government officials and only a handful of industry actors. I, however, chose to focus on and capture the voices of the alcohol industry actors and the Scottish policymakers directly involved in the legislation process. The reason behind this was because of the focus of the study seeking to understand industry actors' use of frames, their internal dynamics and perception of each other's legitimacy, and the policymakers' perception of the industry's legitimacy. The success in recruiting interview participants – industry actors, at the second recruitment attempt, could be as a result of the following: the MUP Bill was already being implemented; industry actors felt inclined and perhaps more relaxed to air their views; the technique for recruitment was different (i.e. recruiting via professional social networking site LinkedIn[37]). Most of the alcohol industry actors who agreed to be interviewed were very polite and pleasant. Some tried to steer me off topic though, so I let them have their say and then repeated the question in a different way until they gave a satisfactory response. All of the interviews but one were carried out via Skype. In one of the interviews, a video call was attempted, but this had to be abandoned due to poor connection. A telephone call was instead arranged. All of the interview participants were happy for the conversation to be recorded except one. The interviewee's wish was stipulated in an email exchange, the consent form was amended by the interviewee to reflect their wishes, and a request for a counter signature from me agreeing to the changes were made before the interviewee agreed to a time and date for the interview. The interviewee was only willing to give me 10 minutes of her time. This encounter prior to the interview spilled over into the actual interview and made the interview session a bit tense as the interviewee continued to attempt to dominate the interview session. I remained calm and asked the questions I had prepared and listened attentively, taking notes of the key points from her response. Most of my questions were however left unanswered as she passed on them. Overall, the interviews

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[37] I am aware that people on one's LinkedIn network and those you follow can be viewed by others, and having certain individuals on my network may have encouraged others to accept my invitation and speak to me.

went better than I had anticipated, with most of the interview participants showing key interest in alleviating the harms caused as a result of excessive alcohol consumption.

4.3.4.2 *Data source 6 - Additional Documents: Committee Reports, Transcripts of Parliamentary Debates, and Industry Actors' Corporate Reports*

To augment the low interview response rate from the MSPs, I sought for additional data and decided to include and analyse the reports produced by the HSC and FC, which were presented to the parliament (see data source 1 and 3 above). I purposively searched for the transcripts of the parliamentary deliberations on MUP from the Scottish Parliament website. This search identified two meetings for Wednesday, March 14th and Thursday, May 24th, 2012. The transcripts of these meetings were retrieved and added to the data pool. The transcript for March 14th, 2012, pertaining to MUP deliberations, was 53 pages long (pgs. 7204 to 7257). This deliberation took place at the Stage 1 of the MUP Bill. The transcript for May 24th, 2012 covered deliberation at Stage 3 of the MUP debates. The section pertaining to MUP was 62 pages long (pgs. 9395 to 9457). I read both transcripts of the Parliamentary meetings several times in order to familiarise myself with their contents and to make sense of them in line with my research questions and the theoretical interests on legitimation (van Leeuwen and Wodak, 1999; Suchman, 1995) prior to analysis.

The corporate reports of selected industry actors (producers and trade associations) for the years 2014, 2017 and 2019 were obtained from their websites. I selected 2014 in order to capture the industry actors' perceptions following the passage of the Bill and the early stages of the MUP court challenge. I selected 2017 in order to capture industry actors' perceptions at the later stages of the court challenge and pre-implementation. Finally, I selected 2019 in order to capture their perception post implementation of the MUP Bill. These reports were downloaded and read. A search for keywords such as 'collaboration', 'partnership' was carried out on the reports and noted. The keywords search was aimed at identifying if and how industry actors talk about how they work together with one another or with the

government to achieve collective legitimacy, for societal goods, and to verify some of the schemes indicated by the industry actors in their written submissions.

4.4   Summary

In this chapter, I have presented the underlying research epistemology and ontology guiding the thesis, and the data collection methods and the rationale for selecting these methods. The data collection methods are documents and semi-structured interviews. Documents were chosen as the main data collection method because they are publicly available and give a good insight into how the alcohol industry actors interacted with policymakers and represented their organisations. The study of documents fits well with the study's philosophical positions that the world, as we view it, is socially constructed, and needs to be unpicked for meaning making. This philosophical position guides and aligns with the analytical methods and the selected theoretical approaches. This chapter discussed the document identification process and the recruitment of interview participants. The documents selected for the thesis are industry actors' submissions to the MUP consultation, the transcripts of their evidence sessions with the HSC and FC, the reports produced by the HSC and FC, which were submitted to the Scottish Parliament, the transcripts of two parliamentary debates, and the industry actors' corporate reports obtained from their websites. Interviews with industry actors and members of the HSC and FC were used as additional data, as well as for triangulation to verify the results obtained from the documentary analysis.

The following documents were the main data sources for the study:

* The Scottish Parliament (7 March 2012) Health and Sports Committee, 2nd Report, 2012 (Session 4). Stage 1 Report on the Alcohol (Minimum Pricing) (Scotland) Bill.
* The Scottish Parliament (2012) Finance Committee, the Alcohol (Minimum Pricing) (Scotland) Bill.

- The Scottish Parliament (2012). Official Report. Health and Sports Committee Session 4 Tuesday 17 January 2012, pages 820 – 862.
- The Scottish Parliament (2011) Official Report. Finance Committee. Session 4. Wednesday 21 December 2011, pages 421 – 442.
- Parliamentary meeting on Wednesday 14th March 2012, pages 7204 – 7257.
- Parliamentary meeting on Thursday 24th May 2012, pages 9395 – 9457.

Interested readers are encouraged to access the data sources via the links or the individual submissions directly via the links provided in the separate bibliography. Next I present, the analytical methods used in analysing the data generated for this thesis.

CHAPTER 5.   METHODOLOGY 2 - DATA ANALYSIS

5.1   Introduction

In this chapter, I present the analytical methods and the steps taken to unpack the alcohol industry actors frames, cleavages, vested interests, and strategies used to protect the industry's legitimacy by both industry actors and the Scottish Government/policymakers. The selected analytical method is thematic analysis. Thematic analysis is a method for identifying, analysing, and reporting patterns (themes) within a data. It also provides a rich, detailed, and complex account of the data (Braun and Clarke, 2006). There are two main approaches to thematic analysis: (1) data-driven or inductive thematic analysis, and (2) theoretical or deductive thematic analysis. This thesis adopts a theoretical approach using frame theory and legitimacy theory. Theoretical thematic analysis is analyst driven in line with the researcher's theoretical interest on the subject matter. The theoretically approach derives themes which enables a researcher to replicate, extend, or refute prior discoveries (Boyatzis, 1989) and aligns with the interpretivist and constructionist paradigm, and the nature of research questions, which this thesis seeks to address. This chapter first presents the analysis of the data generated in the wave 1 data collection using Entman 1993 frame theory. It presents sample extracts to show how the data was coded using open and axial coding styles. Next, it presents the analysis of data collected during the first and second wave of data collection using Vaara et al (2006) discursive legitimation strategies and Suchman (1995) legitimacy theory.

5.2   Thematic Analysis Using Entman 1993 Frame Theory

The first step in the analysis was to code the documents. All the data collected in wave 1 were downloaded, printed[38], read several times to understand the story from the industry actors perspective. The documents were clustered, first, based on the sector in which the organisation belong, and next, based on their position on the policy and the analysis was carried out first based on these clusters. All the documents were then uploaded onto QRS NVivo[39] for coding and further analysis. Two styles of coding were applied – *open* and *axial* style coding.

Open Coding - In coding the data, all aspects of the consultation submissions were coded line-by-line to enable key concepts in the data to be identified. According to Thomas and Harden (2008), free line-by-line coding enables concepts to be translated from one case to another. For the transcript of the oral evidence session, only responses by the industry actors were coded. Open coding assigned codes to texts without using the predefined coding instrument. It pays attention to the story and how the story is told rather than what the text is about.

An example of an open coding is presented below using extracts from Molson Coors and Edrington Group.

> *Molson Coors is the largest brewer in the UK with 2,300 UK employees and 350 years of brewing experience. We produce a diverse, highly regarded portfolio of beer brands, including the UK's best selling [SIC] lager, Carling, which is brewed with 100% British barley (Molson Coors MIN41, pg. 1).*
>
> *The Edrington Group owns some of the leading Scotch whisky and golden rum brands in the world, including [...] Edrington is headquartered in Scotland and is an international business employing over 2,300 worldwide, with over 60 per cent employed overseas (Edrington Group, pg. 1).*

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[38] Manual coding - Notes were made on the printed documents as key concepts guided by the research question and the frame theory principle began to emerge.
[39] NVivo software was selected to make the coding of the data manageable and for the subsequent organisation of the codes into descriptive and analytical themes.

The extract above forms part of the opening paragraph of Molson Coors and the Edrington Group's submission. It not only states obvious facts about the company but also demonstrates power and economic viability, as well as portraying the organisation as legitimate. There are two stories here: one on power (reflected in the size and longevity of the company), and another on economic contribution (in terms of employment and patronising British farmers). The outcomes of these multiple accounts are then interrogated using Entman's framework, as a second order coding.

Axial coding - This is the second coding style adopted. The aim here is to locate the frames (Dombos et al., 2012) and the reasoning devices attached to the frames, and pair them to the framing element (Entman, 1993). Axial coding arranges the codes generated from the open coding around axes of meaning by identifying the four frame elements (i.e. problem definition, causal interpretation, moral justification and treatment recommendation) in the coded texts based on Entman (1993)'s frame theory as shown below.

<u>*Problem Definition*</u>: The Edrington Group defines Alcohol MUP as the wrong approach to resolving the Scottish drinking problems.

> *it appears therefore premature to introduce yet further measures and restrictions (Edrington Group MIN32, pg.1).*

This problem definition comes long after The Edrington Group had put forward a strong <u>*moral evaluation*</u> which showcases the Group's participation in promoting responsible drinking, and providing statistics showing changes in the drinking patterns and a decrease in mortality rate from alcohol consumption as seen in the extract below:

> *Edrington successfully operates its Code of Practice on responsible marketing and is a signatory to the Portman Group Code of Practice. The Group is also a member of Drinkaware and participates in "Why let good times go bad?," [SIC] the all-industry responsible consumption campaign. (Edrington Group, pg.1).*

The <u>causal interpretation</u> suggests that "the measures already put in place are having a positive impact" (Edrington Group, pg. 1) and the *<u>treatment recommendation</u>* subsequently is to do nothing.

For axial coding, it is important to identify the dimension/logic of reasoning/stories that the authors intend to communicate. Using the same extracts above from Molson Coors and Edrington Group, the reasoning devices present are stereotypes[40] and syntaxes. The industry actors use stereotypical words such as "largest", "world", and "highly regarded portfolio" and syntax are reflected in how the sentences are formed i.e. how they choose to position statistics and percentages. These reasoning devices signal the presence of frames and gives meaning to a text (Van Gorp, 2005; Gamson and Modigliani, 1989).

Following the two coding styles, the thematic frames – i.e. *economy, legitimising, unintended consequences, and evidence-based frames* – were generated based on the researcher's meaning making of the outcomes of the frame elements and reasoning devices. This step helps to increase the level of abstraction, as the framing and reasoning devices are separated from the specific story the text aims to convey. Next, the four thematic frames identified were re-categorised as economic and social frames, in order to reflect the perceived vested interests of the industry actors along cleavages. This is reflected as the 4th order coding in diagram below. Industry actors on both sides of the debate draw from the same frames (economy and social frames), but use them in different ways. Based on these different usages of frames, the industry actors were organised according to their use of frames which reveals the cleavages within and amongst the different sectors of the industry. The cleavages are further broken down into the interests and strategies for a clearer appreciation of the fault lines in the industry (see 5th order in figure 2 below). Based on their characteristics (i.e. whether they are making a business case or societal case or favouring

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[40] Stereotypes as used in this thesis help project already stored mental image or ideas that guides the receiver to efficiently process the information (Entman, 1993).

self-regulation or government legislation) these were further broken down to reflect the industry's dominant inclinations or orientations.

Figure 2: Sample coding tree in line with Entman (1993) Frame theory
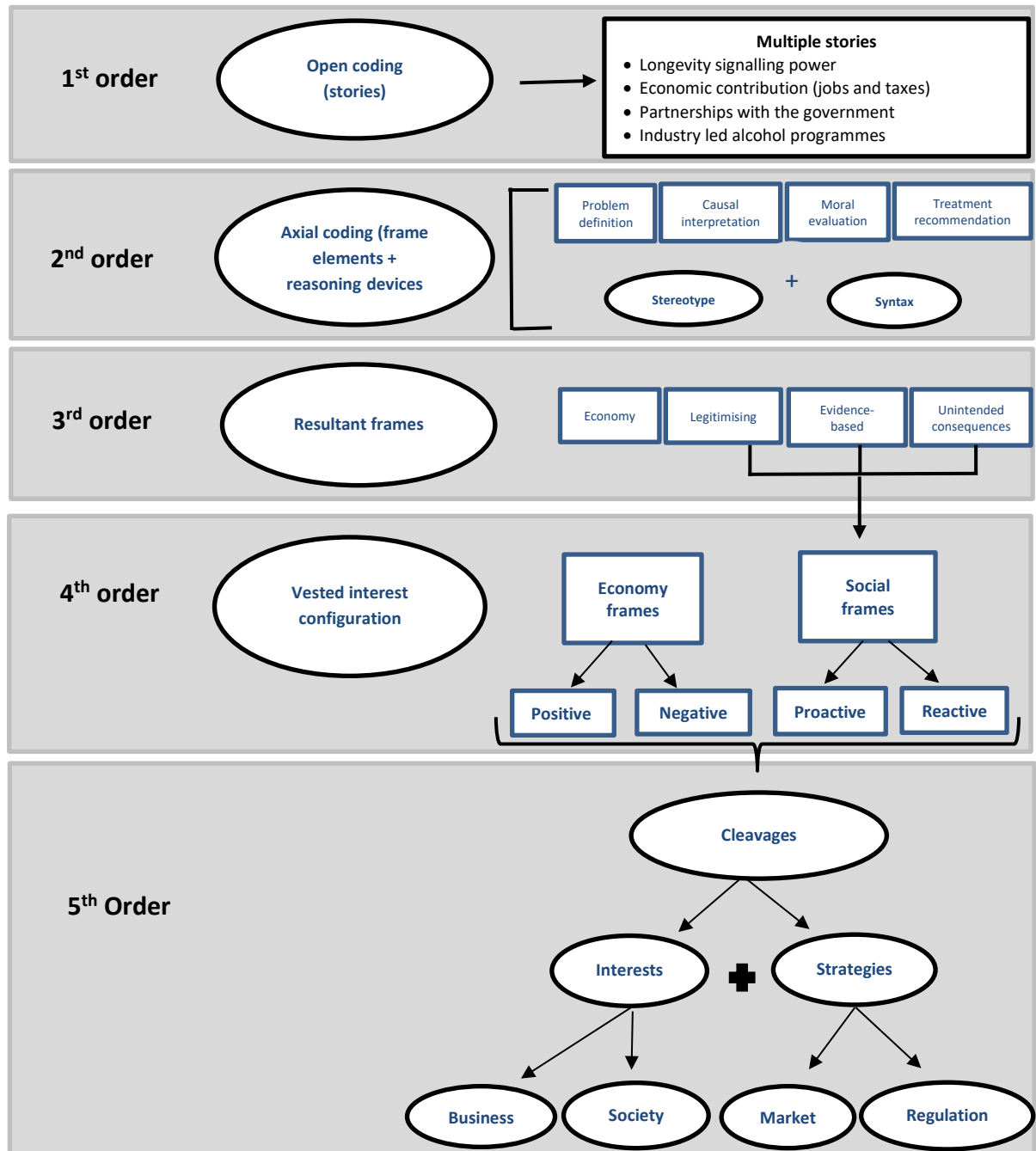
Source: Author

Nevertheless, Entman (1993)'s framework only addresses a part of the research question on framing as a source of cleavages. It does not address the issue of legitimation, which is an essential part of the research question and also a key outcome of the researcher's interpretation of the resultant frames. In order to delve further into this, the study engages in further thematic analysis based on some approaches to legitimacy theory already discussed in the literature review chapter and briefly highlighted below in figure 3. For more insight into the coding scheme, see Appendix 7.

5.3   Thematic Analysis Using Legitimacy Theory

This analysis is based on all the data collected in Waves 1 and 2 (including interview transcripts). The thematic analysis here was informed and guided by Vaara et al., (2006) and Deephouse et al. (2017). The texts were coded freely following the open and axial coding principles explained in the previous section. The aim of the open coding was to find out if and how policymakers and industry actors used legitimation strategies in their submissions and comments as expressed in the emergent cleavages (see 5th order coding in the figure 2 above).   A combination of Vaara et al. (2006) and Deephouse et al. (2017), as coding guides, yielded the outcomes as illustrated in the figure 3 below. Figure 3 is a continuation of figure 2 and could be seen as the 6th order coding. A further analysis of the 6th order coding gave rise to the strategies used by both policymakers and industry actors to maintain the alcohol industry legitimacy in Scotland despite the identified cleavages.

Figure 3: Continuation coding tree in line with Vaara et al. (2006) and Deephouse et al. (2017) Legitimacy theory
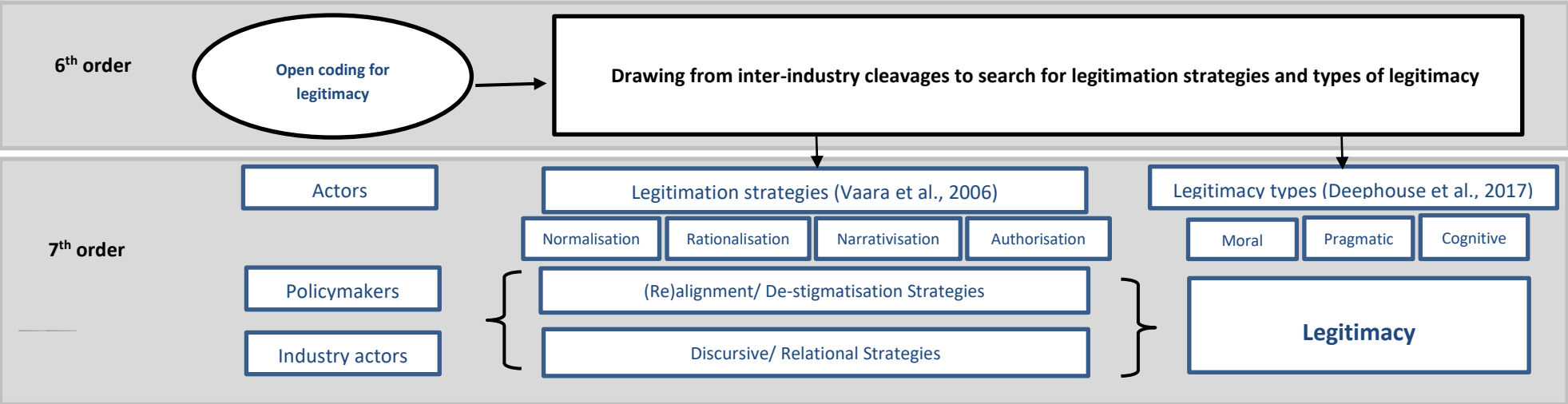
Source: Author

Below, I demonstrate the open and axial coding using extracts from the transcript of the evidence session to the HSC by Diageo, NACM, and SWA.

> *… the misuse of alcohol harms health. There is no question about that. The evidence is clear and we support actions to reduce the misuse of alcohol (Diageo, pg. 819).*

> *We have heard that the misuse of alcohol is an issue, but alcohol is misused in degrees (NACM, pg. 820).*

> *we believe very strongly that misuse does not have a place in that society. We want to address the misuse, not the use, of alcohol (SWA, pg. 821).*

The extracts above show the alcohol industry actors attempting to redefine the problem of alcohol consumption to focus on misuse rather than the use[41] of and harm caused by alcohol. This is a first order story focusing on "alcohol use" and it is an example of a normalising account. Diageo, SWA, and NACM, in the extracts above, appear to be responding to the societal needs by acknowledging the presence of alcohol misuse, but at the same time normalising alcohol use by stating for example that alcohol is misused in degrees (NACM, pg. 820) and that their interest is to address alcohol misuse and not its use in the general sense. The extracts were coded freely as *'alcohol use versus misuse'*. Guided by the research question and the theoretical framework, the free codes were regrouped to derive the descriptive codes: *'respond to needs'* and *'reputation building'*. These descriptive codes were matched with the overall story and topic to derive the analytical code. The analytical code generated in this case is *'conforming to demand'* and this is in line with the pragmatic strategy organisations adopt for maintaining legitimacy (Suchman, 1995). The extract by Diageo above states that they support the government's action to reduce misuse – this can be perceived as a relational management strategy, and it also normalises the government's action to preserve the health of its citizens.

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[41] This is in line with Coomber et al. (2013) and the debunked use of the term's use/misuse/abuse typology in the academic circle.

Some other first order stories include focus on: "minority abusers of alcohol"; "complexity of alcohol problems"; and "the tension between reduction of harm and reduction of consumption". These micro-stories were further interrogated to determine their use for: normalisation, authorisation, rationalisation, moralisation, and narrativisation in line with Vaara et al. (2006). These were subsequently rearranged depending on whether they were perceived to be contributing to *gaining*, *maintaining*, or *repairing* any of the three forms of legitimacy – i.e. moral, pragmatic, or cognitive – identified by Deephouse et al. (2017) and Suchman (1995) - sections 3.3.1 above.

The thematic analysis driven by the research questions and the theories guiding this thesis produced four main interpretive themes: (a) normalisation for undermining (b) co-optation for neutralisation (c) authorisation (rebuttal for support) and (d) decoupling for protection as shown in figure 4 and figure 5 below. These themes describe how policy actors' language reflects different legitimation strategies adopted. Adopting the latent approach to theoretical thematic analysis produced themes with relevant interpretations which help in understanding the alcohol industry texts and the motives behind industry actors' choice of language during policy processes. The themes identified are highlighted in the figure 4 below and discussed in detail in chapter 6. Figure 4 should be interpreted alongside figure 3 above. A detailed coding guide/interpretation of Figure 4 with sample quotes can be found in Appendix 8. The highlighted texts in Appendix 8 is for emphasis and helps direct the reader to the interpretations reached in the 3rd and 4th columns of the table.

Figure 4: Sample coding tree in line with Vaara et al. (2006) and Deephouse et al. (2017) Legitimacy theory
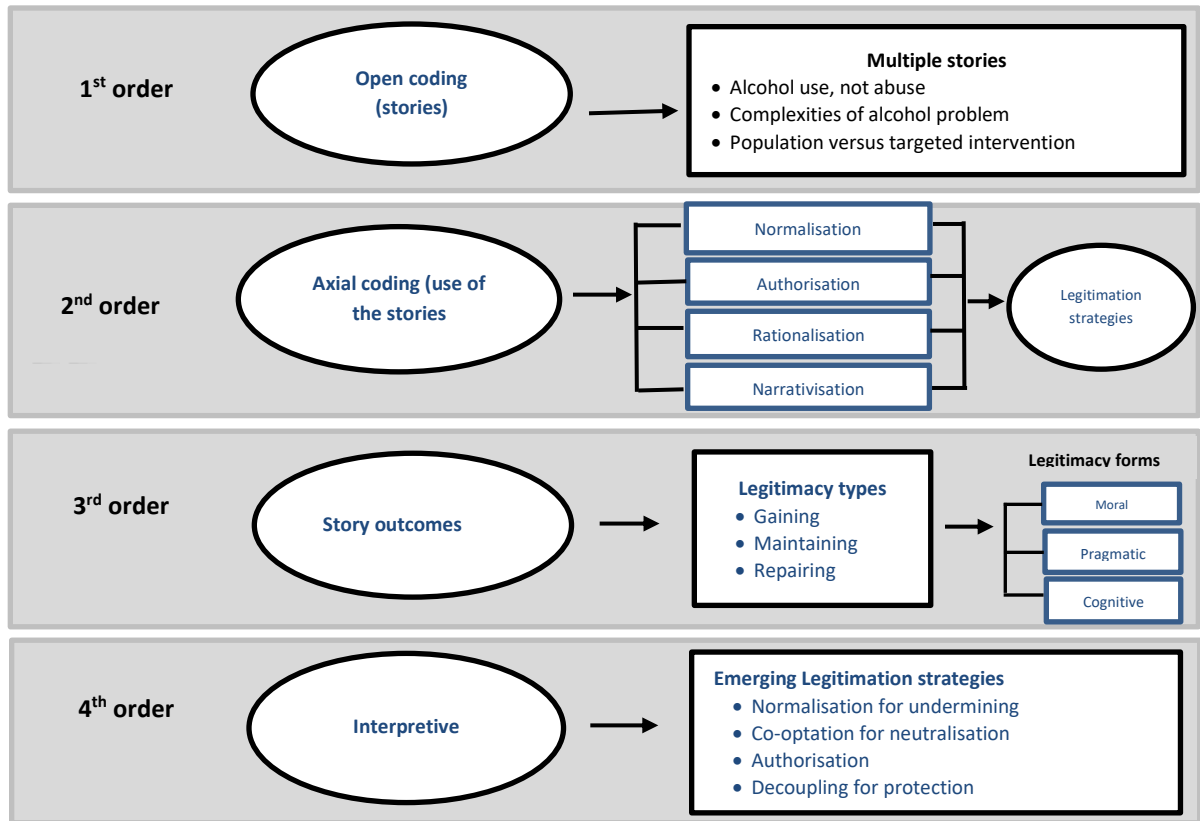
Source: Author

5.4   Summary

In this chapter, I have described the steps taken in the analysis of the data collected for this study using thematic analysis. The chapter presents a step-by-step guide of how thematic analysis was applied using frame theory and legitimacy theory, respectively. This thesis moves on to present a detailed result emerging from the analysis conducted. Throughout the finding's chapters (6, 7 and 8), I provide illustrative examples originating from the data sources (see section 4.3.2) and from the interview transcripts in the form of extracts in order to support the findings and arguments.

CHAPTER 6.   FRAMES, CLEAVAGES, AND THE ALCOHOL INDUSTRY

6.1   Introduction

This is the first of the three findings chapters. The findings presented here are guided by the research questions – How did the alcohol industry actors respond to the Scottish MUP policy consultation and what frames did they used to either oppose or support the policy? And**,** How do these frames inform our understanding of alcohol industry cleavages? This chapter focuses on cleavages and how frames used by industry actors highlights the presences of cleavages. Cleavages have often been looked at and understood from a structural or functional perspective –for example, based on the functions of specific actors within an industry as producers, retailers, or trade associations - (see Katikireddi et al., 2014a; Holden et al., 2012). Whilst recognising this conventional way of articulating cleavages, the findings from this research reveal a discursive perspective to the understanding of industry cleavages. This perspective goes beyond the structural/functional divides to highlight the presence of what could be described as "discursive cleavages" within the alcohol industry in Scotland. The findings of this research are generally in line with the broad view that language has the potential of offering some insights to understanding the interactions between industry actors and regulators (Sturdy et al., 2012; Hawkins and Holden, 2013; Hawkins et al., 2012; Garcia-Retamero and Galesic, 2010; Levin et al., 1998; Smith and Katikireddi, 2013).

This chapter starts by presenting the positions of the alcohol industry actors on the bill using their consultation submission and comparing it to their position (information gathered at interview stage) after the policy was passed. Their position on the policy is the first indication of cleavages. Next, the chapter presents the different types of cleavages observed based on the structure or function of the industry actors, and also on the interests they represent. Next, the chapter presents the frames observed in the industry actors consultation response and during the interviews. The focus here is on how the frames reflects industry cleavages. It also shows the commonalities in the industry actors interests and blurs the historical

traditional functional/structural divides between industry sectors and enables cleavages to be appreciated through a different lens.

6.2   Early Signs of Industry Division from Responses to the MUP Policy Consultation

Twenty-one alcohol industry actors (seven alcohol producers, two on-trade retailers, four off-trade retailers, and eight trade associations) participated in the Scottish MUP policy consultation. Fifteen of them opposed the introduction of the Bill, and six supported the Bill, as of 2013. The position of the industry actors on opposing sides signalled a division within and between the different industry sectors. The positions of the specific industry actors during the consultation and post-2013 during the legal challenge are summarised in Table 5 below.

Table 5: Industry Actors Position on the MUP Bill

Industry Actor	Sector/ Main Product Portfolio	Main Interest	Position from consultation response	Position after MUP passage
Diageo	Producer (Wine, Spirits, Beer)	• Protecting Scottish based investments. • Protecting the overseas market of scotch whisky	Oppose	Oppose
Edrington Group	Producer (scotch whisky)	• Protecting the overseas market of scotch whisky	Oppose	Oppose
Chivas Brothers	Producer (scotch whisky, Wine)	• Protecting the overseas market of scotch whisky	Oppose	
SABMiller	Producer (Beer)	• Protecting the global market and beer brands.	Oppose	Unsure
Whyte and Mackay	Producer (scotch whisky)	• Protecting the overseas market of scotch whisky	Oppose	Oppose
Tennent Caledonian	Producer (Beer, Cider)	• Protecting premium beer brands.	Support	Support
Molson Coors	Producer (beer)	• Protecting premium beer brands.	Support	Support
Co-operative Group	Off-trade retailer	• Protecting business interests	Oppose	
Morrisons Supermarket	Off-trade retailer	• Protecting business interests. • Level-playing field with other supermarkets	Inconclusive	

Industry Actor	Sector/ Main Product Portfolio	Main Interest	Position from consultation response	Position after MUP passage
Asda (oral evidence only)	Off-trade retailer	• Protecting business interests	Oppose	
Tesco (oral evidence only)	Off-trade retailer	• Protecting business interests	Oppose	
Mr Dave Bremner	On-trade retailer	• Protecting business interests. • Addressing loss-leader practices of off-trade retailers	Support	
Mr Jonathan Stewart	On-trade retailer	• Protecting business interests. • Addressing loss-leader practices of off-trade retailers. • Reducing alcohol misuse	Support	
SBPA/BBPA	Trade body (On-trade and beer producers)	• Protecting business interests. • Reducing tax on beer • Promoting pubs as a safe drinking space	Oppose - members are split	
NACM	Trade body (Producers)	• Protecting the business interests of members.	Oppose	
SGF	Trade body (Off-trade retailers)	• Protecting the business interests of members. • Level-playing field between members and the Supermarkets	Oppose	Support
SRC	Trade body (Off-trade retailers)	• Protecting the business interests of members.	Oppose	Support
SWA	Trade body (Scotch whisky producers)	• Protecting the interests of the Scotch whisky market overseas.	Oppose	Oppose
WSTA	Trade body (wine and spirit retailers)	• Protecting the business interests of members.	Oppose	
CAMRA	Consumer group	• Protecting the interests of pubs and consumers. • Promoting pubs as a safe drinking space	Support	Oppose
SLTA	Trade body (On-trade)	• Protecting the on-trade. • Level-playing field between members and off-trade retailers • Reduce the easy availability of cheap alcohol	Support	

Source: Author.

The table above presents all the industry actors who participated in the Scottish MUP policy negotiation. It details their industry sector, their main product offering and interests, and

the industry actors' position on the policy. Industry actors were classed as supporters or opposers based on their consultation response, some industry actors' response neither indicated that they supported or opposed the policy and as such are classed as inconclusive. The last column of the table details the industry actors' position after the passage of the MUP as gathered during the interviews and from their websites. Sections were left blank where no update was found or collected for the industry actor. Information obtained during the interviews confirms that following the passage of the Bill, and prior to the implementation of the Bill, three industry actors switched sides. Two trade associations (SGF and SRC), who originally opposed the Bill, switched to support it, and a consumer association (CAMRA), who originally supported the Bill, withdrew their support at the directive of its members. The study finds that spirit producers and MNC (i.e. Diageo, Edrington Group, Chivas Brothers, Whyte and Mackay, and SABMiller) tend to oppose MUP. Their opposition is because of their business interests in other territories outside Scotland and the UK which they clearly stated in their consultation response. Their arguments include that MUP will affect their ability to compete in the international market and that governments of other jurisdictions may introduce policies to keep their products out of their local market. In addition, their multi-national status can be glimpsed from the first few paragraphs of their submission as indicated in the sample extracts below.

> *SABMiller is the UK's largest listed drinks company with brewing interests in 75 countries across six continents (SABMiller, pg. 1).*

> *Whyte and Mackay Ltd is one of the world's leading suppliers of own label and branded Scotch whisky (Whyte and Mackay MIN92, pg. 1).*

The choice of words – UK's largest, brewing interests, world's leading – as indicated in the extracts above, shows the companies' global reach. The study also finds that producers of low-strength alcohol products (i.e. brewers - Tennent Caledonian and Molson Coors) with limited or no export capabilities supported the MUP policy. Their support for MUP could be tied to the company's commitment to local (Scottish and/or UK) agenda. The first few

paragraphs of the submission from Tennent Caledonian and Molson Coors, as shown in the extracts below, hint that the company is not global.

> *Molson Coors is the largest brewer in the UK with 2,300 UK employees and 350 years of brewing experience. We produce a diverse, highly regarded portfolio of beer brands, […] which is brewed with 100%* **British** *barley (Molson Coors MIN41, pg. 1).*

> *As Scotland's pre-eminent brewer, Tennent Caledonian is committed to Scotland and we take our responsibilities as a brewer seriously. (Tennent Caledonian MIN85, pg. 1).*

As already stated in section 2.4, the majority of Scotland's brewers are micro-brewers with only 2% of brewers classed as medium or large (O'Connor, 2018). Micro-brewers are not export-oriented, and this aligns with Molson Coors' statement that "Around 90% of the beer sold in the UK is produced in the UK" (Molson Coors MIN41, pg. 3). Molson Coors, however, is a global company with breweries in India, Canada, the United States, and Ireland following the company's local acquisition of smaller breweries. Molson Coors specialises in regional production to meet local needs (Molson Coors, 2020) and spearheaded the campaign to save the Great British Pubs injecting cash into the on-trade sector (Robinson, 2017). Tennent Caledonian is one of Scotland's largest brewers and the company is heavily invested in the Scottish on-trade retail sector (Gurjit, 2012). As of 1972, Tennent Caledonian owned at least 500 pubs in Scotland (Gorevan, 2002), and has a close tie with Scotland's major Pub chains which includes Punch Taverns (BBC News, 2011) and Belhaven Pubs (The Herald, 2002). In addition, Tennent Caledonian provides loans to licensees who stock its product to help with cashflow, re-financing and growth investment (Gurjit, 2012). It is not surprising that Tennent would support the MUP policy given its vested interest in the on-trade sector. The vested interests of the alcohol producers create a divide within the producer sector.

Likewise, within the retail sector, on-trade retailers supported the Bill, whereas off-trade retailers opposed the policy. The on-trade sector support for MUP is based on the need to create a level-playing field with the off-trade retailers and the need to promote drinking in regulated environment (i.e. Pubs, Bars, and restaurants). This view is also shared by

Katikireddi et al. (2014a) and Holden et al. (2012). These differences and cleavages are based on the structure and function of the industry actors and are explained further below.

6.3   Alcohol Industry Actors' Position on the MUP: A Structural or Functional Analysis

This section highlights the different forms of cleavages that emerged during the consultation process. As highlighted in the introduction chapter (see section **Error! Reference source not found.**, page **Error! Bookmark not defined.**), the alcohol industry is divided into three categories of producers (based on their products – i.e. beer, wine, and spirits) and two categories of retailers (on- and off-trade). In the post-industrialised UK, strong boundaries emerged between these categories (Christiansen and Kroezen, 2016), and these are reflected through the functional or structural cleavages observed in this thesis and in line with Katikireddi et al. (2014a) and Holden et al. (2012). By structure, I mean sectoral differences, products, and affiliations. This thesis identified cleavages within the alcohol industry – intra-sectoral cleavages – and between the alcohol sectors (i.e. producers versus retailers) – inter-sectoral cleavages. These cleavages are usually strategic and interest-driven (see also Katikireddi et al., 2014a). This section now explores each of these structural or functional cleavages in the Scottish alcohol industry.

6.3.1 Alcohol Producers' Cleavages

Findings show that the alcohol producers who participated in the MUP debate were split based on their products (i.e. high-strength and low-strength) and/or their business capacity as exporters or non-exporters. Within the low-strength group, a further divide emerges, as further explored below.

6.3.1.1   Cleavage 1 - Producers of High-Strength Alcohol Products

The producers of high-strength alcohol products rallied around on protecting their international market interest, which they thought would be negatively impacted by the

success of the bill. This group of producers includes Diageo, Edrington Group, Chivas Brothers, and Whyte and Mackay. Diageo has a diversified portfolio of drinks including beer, scotch whisky, spirits, and wines. They pride themselves as one of "Scotland's top manufacturing exporters" with a majority of their drinks having "sold globally in more than 180 markets". Diageo has huge investments to protect in Scotland and the introduction of a MUP is said to jeopardise the competitiveness of the alcohol industry based in Scotland (see Diageo, pg. 2, written submission to the HSC). Diageo, therefore, seeks to protect its Scottish investment and its business interests abroad. This interest to protect business interests abroad is shared by all the other scotch whisky producers. Edrington Group stated that MUP will damage the scotch whisky industry both at home and abroad with negative consequences for the wider economy. They refer to MUP as a Scottish-initiated trade barrier and fear that the exports of their premium brands would be adversely affected overseas and that attempts to open new markets would be stalled (Edrington Group MIN32 paragraphs 8 and 22). Similarly, Chivas Brothers regards MUP as a form of market manipulation by the government which not only hampers their export market but also damages the economy (Chivas Brothers MIN19, pg. 2).

Aside from the damage to the overseas export, these producers worry about the impact of MUP on their home market, especially the 'own-label products' favoured by lower-income consumers. They argue that own-label products would see an immediate price rise and they fear a significant loss of business as a result of retailers reducing the range of products available to Scottish consumers, alongside the negative effect of potential job losses and business closures (Edrington Group MIN32 paragraph 22; Diageo, pg. 4). The disagreement these producers have with the government and the introduction of MUP stems from their view that MUP would be ineffective. For example, the Edrington Group opines that tackling alcohol misuse would take concerted efforts over many years (Edrington Group MIN32, paragraph 13), and they worry that MUP would unnecessarily penalise the majority of consumers who drink alcohol responsibly while having little or no impact on the minority who have alcohol dependency issues (Whyte and Mackay MIN92, pg. 1). The position of

these industry actors was validated during the interview, with one of the pro-MUP industry actor stating:

> *… most of them [high-strength producers/ opposition actors] make their profits outside of Scotland and in other markets. Their stance was a mixture of they didn't want the Scottish Government bringing in a legislation that could be replicated elsewhere because it would reduce the demand for alcohol, they didn't like the legislation, they didn't like the government interfering with pricing and they think it should be a free market and government shouldn't interfere and they didn't like the concept as there was a health issue associated with alcohol so that was their rationale (Participant 6 – beer producer).*

To sum, their position was largely informed by their products and function in the industry. They argue that MUP is not evidence-based and would affect the economy negatively (see Chivas Brothers MIN19, pg. 4). Their collective interest is to protect their business by upholding the value of the free market and reducing government regulations.

6.3.1.2   Cleavage 2 - Producers of Low-Strength Alcohol Products.

There are three industry actors in this group: Tennent Caledonian, Molson Coors, and SABMiller. These industry actors were also interested in protecting their products and market. In addition, they emphasised their interest in society, unlike the high-strength producers. And as one of the interviewees put it:

> *If you are in a community and you want to look after the long-term interest of your business, your shareholders and employees and the country has a problem with alcohol because they are sold cheaply and people are dying because of and their health and life expectancy are shortened because there might be drinking too much and the government wants to bring in a policy that is supported by the population to try and tackle that issue, then it's a very difficult place to be in to say we were going to oppose it, so we won't (Participant 6 – beer producer).*

Following the same line of reasoning on the societal welfare, Molson Coors acknowledges that alcohol abuse is a "complex issue which ultimately requires fundamental cultural change" (MIN41, pg. 1). Molson Coors believes that society needs to "build respect for

alcohol in a variety of ways, including education, policy measures, and ensuring alcohol is reasonably priced" (MIN41, pg. 1). They also argued that "alcohol should be enjoyed responsibly and brought based on brand preference taste and not solely on price" (MIN41, pg. 1). SABMiller primarily produces beer but adopted a different point of view on MUP from Tennent Caledonian and Molson Coors. Some of its interests align with those of the high-strength alcohol producers on business protection and the free market. It also shares the interests of the other low-strength producers on protecting the society, especially the responsible consumers. This interest focuses on distinguishing between categories of drinkers and avoiding unnecessary penalisation of adults who consume alcohol responsibly. However, SABMiller departs from the other low-strength alcohol producers and disagrees with the government, stating that the "approach the Bill outlines" is not "the most effective or proportionate means to address alcohol misuse in Scotland" (SABMiller, paragraph 4) and that the Scottish Government's position:

> *treats all alcohol the same, whereas there are certain types of drinks which have been driving much of the alcohol misuse. This is highlighted in the differences of consumption levels between Scotland and England and Wales (SABMiller, paragraphs 8).*

The main difference in consumption patterns between Scotland and the rest of Great Britain, they stated, is the higher consumption of spirits in Scotland (SABMiller, paragraphs 9). SABMiller's position highlights the presence of cleavages within the low-strength alcohol category, and the extract above on alcohol types highlights further cleavages between the low-strength and high-strength alcohol producer category who oppose the Bill.

6.3.2 Alcohol Retailers' Cleavages

The alcohol retail industry comprises of the on-trade and off-trade retail sector. This section presents the interests and disagreements of these industry actors along two main functional cleavages: i.e. on-trade and off-trade.

6.3.2.1   Cleavage 3 - On-trade Retailers

Two on-trade independent licensees participated in the debate (Mr Bremner and Mr Stewart). Both licensees were interested in protecting their business interest by clamping down on the loss-leader practices of the off-trade retailers, as highlighted by Mr Bremner. Mr Bremner stated that "something needs to be done to tackle the availability of low-priced alcohol", and that the sales of alcohol below cost, a practice promoted within the off-trade retail sector, "should be challenged and eliminated" (Bremner MIN10, pg. 1).

Similarly, Mr Stewart expressed his dissatisfaction with the attitudes of the off-trade retailers and their trade representatives, the SRC and SGF, who "appear to be comfortable" and allow their members to use "alcoholic drinks as a loss-leader in order to attract customers to buy their entire weekly food shopping" (Stewart MIN83, pg. 1). Mr Stewart, in protecting his business interests and those of other licensees, was also unhappy with the cultural changes that encourage "solitary drinking and 'pre-loading'" (Stewart MIN83, pg. 1), which is said to cause problems in the night-time economy for on-trade retailers.

Both licensees appeal to the government and regulators for tighter control of alcohol use. Mr Bremner advocates for stricter government regulation of the off-trade which includes "a retracing of licensing, to a point where multinationals and day-to-day supermarkets weren't allowed to sell alcohol in any form. Or, if this is impractical, remove the alcohol from their main stores altogether to separate units." (Bremner MIN10, pg. 2). Removing alcohol from off-trade retail outlets to separate units has been deliberated in Ireland's Public Health (Alcohol) Bill (see Calnan et al., 2018), and Mr Bremner acknowledges that this solution, although practical, may be open to legal challenge (MIN10, pg. 2). Mr Stewart also advocates for a clampdown on the off-trade retailers' ability "to reclaim VAT on massive bulk orders of alcoholic liquor purchased as a promotional expense", and for more supervision for alcohol advertising (MIN83, pg. 2).

6.3.2.2   Cleavage 4 - Off-trade Retailers

The findings of this thesis suggest the presence of cleavages within the off-trade retail sector based on their interests, which are to prevent unnecessary costs associated with the introduction of MUP and uphold the principles of the free market

(1)   Protect their business interests and prevent unnecessary costs due to the introduction of MUP.

The industry actors under this category include the Co-operative, Asda, Tesco, Morrisons, and off-licenses. The Co-operative stated that their organisation, alongside other retailers in Scotland, have spent considerable time and resource over the course of the past year preparing for, and subsequently implementing, the requirements of the Alcohol etc. (Scotland) Act 2010, and that the implementation of the Act only took place in October 2010, thus suggesting that the MUP Bill is premature and wasteful at this time (Co-operative MIN26, paragraph 1.4). A representative of Asda during the evidence session added that their focus as a business is on how to change their computer system, processes, and training to implement what will be a significant change to their business model (Asda - David Patterson HSC evidence session, pg. 826).

(2) *Uphold the principles of the free market, which encourage competition and prevent discrimination from a product offering perspective and the purchasing power of customers.*

In protecting its business interests, Morrisons stated that it is the responsibility of retailers to "… control the price at which goods are sold", as this "guarantees effective price competition and the best possible deal for the consumer across the whole store" (MIN94, paragraph 2.1. see also, Co-operative MIN26 paragraphs 4.5 and 4.7). The Co-operative Group MIN26 stated that the MUP "proposal would restrict consumer choice" (paragraph 4.1), "lead to wastage in stores" as it would affect their ability to use their "reduce to clear policies that apply to all grocery products" (paragraph 4.10; see also Asda - David Paterson, HSC evidence session pgs. 825 - 826), and have "disproportionate impact on the lowest

income groups" (Co-operative MIN26, paragraph 4.3). Within the off-trade retail sector, cleavages were observed between the big supermarkets and between the big supermarkets and off-licenses/convenience stores. These cleavages are explained next.

6.3.2.2.1   Cleavages between the big supermarkets

Between the big supermarkets, further cleavages were observed and these stem from the business interests of Morrisons Supermarket against other big supermarkets who offer loyalty points and the strategy for rectifying this. Morrisons stated that …

> *The Bill as it stands fails to take any account of the award of cash equivalents by retailers [such as loyalty points given to customers based on the amount of money they spend] to compensate for statutory price increases (Morrisons MIN94, paragraphs 4.1).*

Morrisons contested that this is a serious omission, as not all retailers offer such schemes and that the government proceeding without any restriction on this practice could lead to a significant distortion of the market in favour of those retailers with loyalty programmes. Morrisons is interested in equality and a level playing ground with other supermarkets which offer loyalty points to customers. They worry that this will give the other supermarkets who operate this scheme an unfair advantage as customers may switch to the other supermarkets, not only to purchase alcohol there but also their weekly grocery.

6.3.2.2.2   Off-licenses and cleavages

The individual voices of the off-license traders were not represented in the written submissions. The representation of the off-license retailers was through their trade association, the Scottish Grocers Federation (SGF). The interest of the SGF, on behalf of its members, is to protect their business interest by seeking a level-playing field between off-licenses and the big supermarkets. The SGF stated …

> *… whilst we accept that MUP may introduce more of a 'level playing field' on price between convenience stores and larger supermarkets, we do note the findings of research which shows that larger multiples will make more of a financial gain under MUP due to their greater propensity to sell more alcohol than many of our members (SGF MIN71, paragraph 17).*

Tesco's representative contradicted the SGF's assertion during the evidence session, stating that their customer might respond by shifting "from large supermarkets to smaller retailers" (Emma Reynolds – Tesco, HSC evidence session, pg. 832). Both the SGF and Tesco are interested in protecting their business interests, but their strategies differ in the sense that the SGF acknowledges that MUP may benefit its members, and Tesco notes that the Bill may disadvantage them. More on the interests of SGF as a trade association is presented in the section below.

6.3.3 Cleavages Amongst the Trade Associations

Trade associations often represent the collective views of their members (Rajwani et al., 2015). As such, they are prone to factions and cleavages, not only between the trade associations representing different sectors of the industry but also within the trade associations themselves because of the structural composition and diverse interests of their members. This section examines the cleavages arising between the trade association based on the assumed collective interests of the group. The following trade associations participated in the MUP debates: SLTA, WSTA, BBPA, SBPA, SWA, NACM, CAMRA, SGF, and SRC. The main interests of the trade associations were to protect both business and societal interests. However, some trade associations exhibit a mixture of both interests, arguably because of their diverse membership structure.

6.3.3.1 Business Interest Cleavage

SWA, WSTA SRC, SGF, and NACM exhibited pro-business interests. The structural composition of these trade associations is homogenous in that they represent a sector of the industry, i.e. producers (of specific products, i.e. wine, whisky, or cider) or retailers. The SWA is the main trade body of scotch whisky producers, and protects the interests of over 117 distilleries across Scotland (SWA, 2016). Its key role is to advance the global interests and profile of the scotch whisky brand, its members, and the industry. The WSTA represents over 340 UK companies who produce, import, export, bottle, and retail wine and spirits. The

NACM represents the interests of cider makers, and the SRC and SGF represents the off-trade retail sector. These trade associations are fundamentally pro-market, which is reflected in their consultation submission and their interactions with the government and policymakers. In protecting the rights of their members, the SWA challenged the legality of the MUP Bill on the basis that it contravenes the EU competition law:

> *Minimum pricing is a barrier to the free movement of goods. It is likely to be found illegal under the EU Treaty (Article 34), and likely to be in breach of World Trade Organisation rules (GATT Art.III) (SWA MIN65, paragraph 15).*

And that:

> *Market access restrictions globally threaten industry competitiveness [and] encourage increased barriers to the trade of Scotch Whisky overseas (SWA written submission to the FC. paragraph 17).*

Mr Campbell Evan, representing the SWA during the evidence session to the FC, added that if Scotland were to set a precedent by getting past that illegality, they would be concerned by the principle of overcoming trade rules, and the subsequent trade restrictions by countries who would want to favour their local industry by keeping imports out. "Our concern is that countries will be allowed to bring in barriers to trade using spurious health rules that they will dream up to keep imports out" (see pg. 427). The WSTA supports the SWA stating that MUP:

> *… is inconsistent with the operation of the free market for the state to intervene on price. This view is supported by European Competition Law, itself intended both to prevent barriers to free trade and to protect the consumer interests (WSTA MIN93, pg. 1).*

All five trade associations, responding to the committee's call on the pricing mechanism, insist that the Bill, if introduced, should be re-evaluated after a time period so that an assessment may be made on its effectiveness in reducing misuse (see for example SWA, Pricing Mechanism, pg. 1 and WSTA, Pricing Mechanism pg. 1).

Although the SWA and WSTA favour market control, they object to the use of market indices such as the Retail Price Index (RPI) and Consumer Price Index (CPI) for the automatic up-rating of the minimum price, as such regular changes would "distort the contractual relationship between the producer" and the retailers (SWA, Pricing Mechanism, pg. 1). In addition, an automatic mechanism for changing the MUP is not desirable because it would fail to account for changes in consumption, harm, taxation, unintended consequences, and the impact on different products (SWA and WSTA Pricing Mechanism, pg. 1). Each element, the SWA states, "must be properly assessed before any change might be contemplated. Thus, only a full review can be considered as a review mechanism." (SWA, Pricing Mechanism, pg. 1). Despite the pro-market orientation of the SWA and WSTA, they reject the use of market-based indices for regular adjustment of the minimum price.

The SGF, at the time of the debates, were pro-market as they worried about the loss of businesses for their members close to the Scottish-English border (SGF MIN70, paragraphs 16 and 20). Their interest, and the SRC's interest, changed in order to align more closely with the government's interest following the defeat of the SWA in the court, as shown in the extracts below:

> 5 or 6 years ago when the court case started, I think retailers were sceptical about MUP. About a year and a half before the court case was finally settled, we moved our position to be along the lines of not necessary taking a pro or negative view but simply focused on the specifics of how we implement it (Participant 3 – retail trade association).

> Once it became clear that the policy was going to go ahead the responsibility was to make sure that our retailers were able to comply because it was a new condition of licence (Participant 5 – retail trade association).

The SGF and SRC business interests remained the same even though their strategy changed over the course of the debates. However, the change in strategy for the SGF brings the organisation closer to achieving business interests, which includes to narrow the gap

between off-licenses and big supermarket alcohol prices, and enable its members to compete with larger stores in negotiating prices with producers.

6.3.3.2   Society Interest Cleavage

The society interest reflects on how some industry actors talk about the society and the need to protect it, despite their overshadowing business interests. The SLTA and CAMRA, in their consultation responses, were interested in protecting consumers and society against the practices of big multi-national producers and retailers. SLTA and CAMRA's interests lie in curtailing the easy availability of cheap alcohol in the off-trade retail sector, which fuels alcohol problems and causes a problem for on-trade retail establishments.

The SLTA advocates for MUP to protect the business of its members, the on-trade retailers. In protecting the business interests of its members, SLTA seeks a level playing field in the price of alcohol, in order to stop the loss-leader practices of the supermarkets and to "stop those retailers who undermine the efforts of government, alcohol related public bodies and charities, and responsible retailers, to better control Scotland's drinking culture" (SLTA MIN72, pg. 2). If MUP brings about a level playing field, society is said to benefit as consumers would be encouraged to drink in "regulated, safe and sociable environments of their local community pubs" (CAMRA MIN14, paragraph 2.5) rather than solitary drinking. A level playing field is also anticipated to reduce the need for pre-loading in young people, which causes problem in the night-time economy (SLTA MIN72, pg. 1; see also Stewart MIN83, pg. 2). In addition, the SLTA opines that a MUP that addresses the loss-leader practices and duty fraud by the off-trade will benefit the exchequer in revenue generation and thus society as a whole (SLTA MIN72, pg. 2).

CAMRA's interests lie in the loss-leader practices of the supermarket and the effect these have on pubs. It states that "alcohol loss leaders are driving consumption away from well-run community pubs and towards drinking at home or on the street, contributing to the closure of many Scottish community pubs" (CAMRA MIN14, paragraph 1.2 and 1.3). The

interest and strategies of CAMRA aligned with that of the SLTA pre-2013. However, their strategy changed in 2013, but their interests, as shown in the extract below, remained unchanged:

> *One of our objectives is to try to keep pubs open, narrow the gap between supermarket and pub prices (Participant 2 – trade association).*

Participant 2 shared their concerns about consumer choices, the price they must spend on their drinks, the impact of government price-setting on business freedom, and the potential for the government to abuse the system.

However, the SLTA caution the Scottish Government that "Minimum Price is not a panacea" and that they are "basically in agreement with establishing a minimum alcohol sales price based on a unit of alcohol …" (SLTA MIN72, paragraphs 3 and 4). They suggest that MUP should be introduced in addition to a "ban on off-sales promotion (MIN71, pg. 1). With regards to the evaluation of the minimum price, the SLTA favours the use of either the consumer price index (CPI) or the retail price index (RPI) in addition to the Sheffield-based appraisal in year 3. The CPI and RPI are both market-based inflation indexes. The SLTA stated that these choices were to "ensure that the price is proportionate to harm caused by alcohol" (SLTA Pricing Mechanism, pg. 1).

6.3.3.3   Mixed Approach Cleavage

Mixed approach refers to industry actors whose interests are varied because of the composition of their members. The SBPA and their sister trade association the BBPA can be said to have adopted a mixed approach of pro-business and pro-society interest. This is assumed to be because of their composition and the diverse interests of their members. For example, their members consist of beer producers and on-trade retailers (Pubs). Some beer producers, like Diageo, who are members, also produce other alcoholic beverages such as scotch whisky and vodka, which would be affected by the MUP. The SBPA stated in their submission that the individual views of their members vary on the issue of minimum pricing and that as an association they do not have a collective position (SBPA MIN19, pg. 1). The

interest of SBPA is to protect the business interests of its members by improving their members' ability to compete and remove the price variation that would arise between Scotland and the rest of the UK. Their sister association, the BBPA, took a firm stand and opposed the introduction of MUP. The BBPA's submission positioned MUP as a form of tax which they referred to as "equivalence". The BBPA aims to protect the business interests of its members and argues that focusing on alcohol units only to determine product price negates the differences in "production cost"; drinks' "composition and characteristics"; and the overall effect on the "wider economy, health and social dimension" (BBPA, pg. 2). The BBPA is not against government tax but argued that the tax on beer should be fairer bearing in mind the positive association of beer to job creation and relaxation and the negative impact of high-strength alcohol on health[42]. The BBPA's strategy here is for government regulation to make alcohol tax fairer. In protecting the business interests of its members and by advocating for a reduction in beer tax, the BBPA is seen to also advocate for societal interests. These societal interests are seen when they positively associate beer drinking to enjoyment and relaxation (BBPA, pg. 5), and promote the notion that "fairer taxes on beer would create 30,000 new UK jobs" (BBPA, pg. 6) and would "**generate almost 50 per cent more in tax revenues than spirits**" (BBPA, pg. 7, emphasis in original). The SBPA and the BBPA display similar interests in their submissions but with different strategies towards achieving their interests.

Summary: The cleavages presented reflect the structure of the industry and the functional identities of the industry actors as producers, retailers, and trade associations, as demonstrated in Figure 5. The findings reinforce those of Holden et al. (2012) on structural/functional cleavages in the alcohol industry. Holden et al. (2012) labelled the cleavages they observed as intra-industry and inter-industry cleavages, and the findings of this study, as demonstrated above and summarised in Figure 5.

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[42] Historically this echoes William Hogarth's famous Beer Street and Gin Lane etchings from the 18th century and Warner (2002) writings on 'Gin Wars'.

Figure 5: Structural and functional analysis of observed cleavages
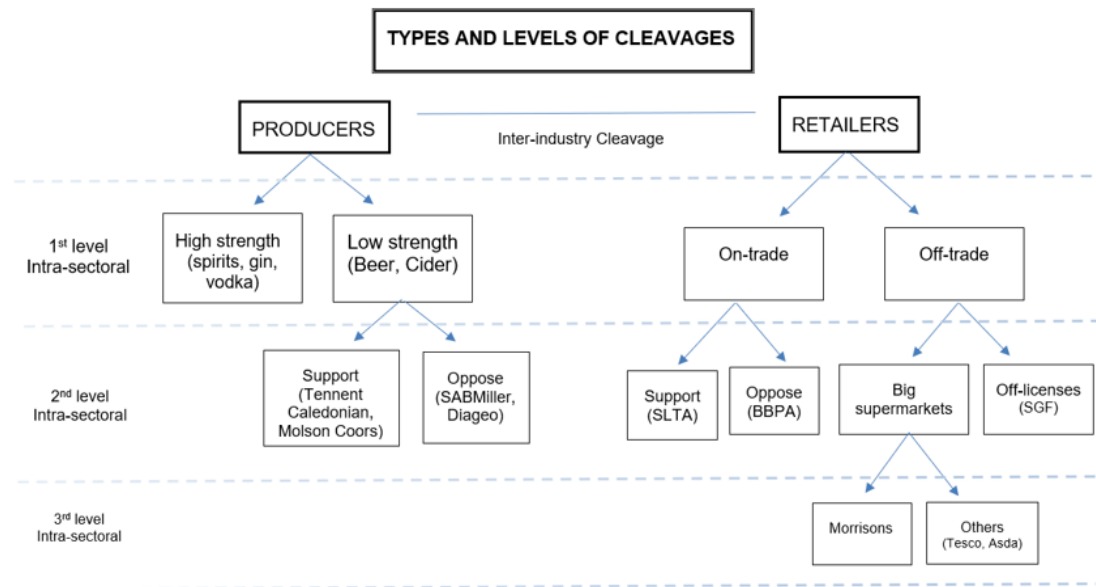
Source: Author[43]

The reorganisation of these cleavages based on interests and strategies suggest that the structural approach, which is dominant in the literature, may not entirely tell the story about industry cleavages. For example, Buckton et al. (2019) used an ideological perspective to analyse the cleavages (what they also called polarisations) present in the UK sugar tax debate to provide more insight to and complement the structural perspective. Following this emerging approach to understanding cleavages, I employ a discursive approach to further understand and complement the findings from the structural perspective above.

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[43] Figure 5 above does not represent all the industry actors i.e. trade associations like WSTA, and SRC who represent - the off-trade. This is because the analysis of the off-trade sector for 2nd level intra-sectoral cleavage choose not to focus on individual actors who oppose/support but represented as off-trade as a sector.

6.4   Cleavages: A Discursive Analysis of the Alcohol Industry Frames Along Interest Lines

Despite industry actors functional or structural positioning, they tend to use some common frames in articulating their perspectives, but they go about it in different ways thus indicating cleavages along interest lines. Based on Entman (1993)'s frame theory, the study identified four thematic frames (economy, legitimising, socially responsible, and unintended consequences). These frames were recategorised based on industry actors' interests to economy and social frames and are summarised in Table 7 below. In presenting each frame, a definition is provided, and an indication of who the main actors are, who their target audience is, the arguments they draw from using extracts from the data, and the dominant solutions they propose.

6.4.1 Economic Frames

This frame captures instances where industry actors use statistics in order to highlight their positive contributions to the economy (i.e. *positive economic frames*), and/or the negative impacts of MUP on the economy (i.e. *negative economic frames*), in terms of job losses, loss of government revenue, and reduced export. Different industry actors evoked this frame across functional divides, with different interests, argumentations, and solutions targeted at different audiences.

6.4.1.1 Positive Economic Frames

Positive economic frames refer to when industry actors, especially those in support of the MUP Bill indicate that the introduction of the Bill will benefit the economy and society. The main actors that evoked this frame are Tennent Caledonian, Molson Coors, SLTA, CAMRA, Mr Bremner, and Mr Stewart. These actors' target audiences are the Scottish Government, policymakers, and regulators. The opening paragraphs of Tennent Caledonian and Molson Coors, for example, indicate their economic importance as shown in the extracts below:

> *Molson Coors is the <u>largest brewer</u> in the UK with <u>2,300 UK employees</u> and <u>350 years</u> of brewing experience (Molson Coors, MIN41, pg. 1).*

> *A recent study by Oxford Economics (for the British Beer and Pubs Association) found that the sector sustains 49,960 direct jobs in Scotland and 71,093 in total when indirect and induced jobs are included. Tennent Caledonian employs directly <u>311 staff</u>. … [Tennant Caledonian boasts of] <u>A £3.4m investment</u> in a bottling line at Wellpark Brewery, bringing bottling capability back to Scotland (Tennent Caledonian MIN85, pg. 1).*

In their consultation submission, Tennent Caledonian highlights the support they provide to "Scottish licensed trade <u>through loans</u>, representing a seven figure [SIC] investment in the past two months alone, at a time when small businesses have found it difficult to raise financial support elsewhere". It also highlights its support "for Scottish football through its <u>sponsorship</u> [of] Scotland's two most popular clubs, Celtic and Rangers – continuing Tennent's support for Scotland's most watched sport". The underlined words in the extract above show a positive economic frame. It implies that the introduction of the Bill, in line with their arguments presented next, will enable the organisation to continue to grow and continue their support to local businesses and the economy.

In addition to their brewing capabilities, Tennent Caledonian and Molson Coors own the pubs that sell their products. Their arguments in support of the MUP draw from their grievances with the off-trade retailers, who are said to undervalue their premium products by selling them as loss leaders and in conjunction with other brands as stated during the interview.

> *Equally, if I look at the commercial of it, beer and cider are sold in supermarkets at prices that are very low erm and we, we make most of our money selling to the pubs and on-trade (Participant 6 – beer producer).*

Industry actors who support the MUP did so because of the need to create a level playing field in terms of alcohol prices between the off-trade and the on-trade retail establishments. Molson Coors refers to this price difference between the on-trade and off-trade as "problem prices" and urges policymakers to consider this when setting the minimum price as seen in the extract below:

> *In determining the right level at which to set a minimum price, we would urge policymakers to take account of the need to address problem prices <u>and</u> protect the rights of responsible adults to enjoy a drink with friends <u>and</u> sustain a responsible, community building industry that delivers secure jobs (Molson Coors MIN41, pg. 1 emphasis in original).*

Mr Bremner, an independent licensee, also echoed this concern:

> *That said, I do agree that something needs to be done to tackle the availability of low priced alcohol (Bremner MIN10, pg. 1).*

Tennent Caledonian and Molson Coors' positions look after their business interests, their employees, and shareholders. The two independent retailers, Mr Bremner and Mr Stewart, evoke a positive economy frame by stating that the loss leader and below cost practices of the big supermarkets, which costs the economy and the exchequer, can be prevented with the introduction of a minimum price.

> *It is my understanding, that although sales are made below cost, there is an ability to reclaim lost Vat or Duty, perhaps both, which actually results in no loss being made (by the retailers)* (Mr *Bremner MIN10, pg. 1. Emphasis added).*

This view was supported by Mr Stewart, the SLTA, and CAMRA:

> *the resultant downward pressure on the retail price of alcohol is therefore funded by the taxpayer along with the costs of resulting alcohol abuse (Mr Stewart MIN83, pg. 2).*

The SLTA and CAMRA highlighted how the economy and the exchequer's revenue would be boosted as a result of clamping down on duty fraud. The SLTA states that government revenue is being lost already because the failure of the big supermarkets passing on duty increases.

> *The large alcohol retailers do not necessarily pass on any duty increase and in a number of cases simply force their suppliers to absorb the cost (SLTA MIN72, pg. 2).*

> *CAMRA is concerned that supermarket alcohol <u>loss leaders</u> are driving consumption away from well-run community pubs and towards drinking at*

home or on the street, <u>contributing to the closure</u> of many Scottish community pubs. We therefore support the introduction of a minimum price for alcohol, set at a level to prevent below-cost alcohol sales in the off-trade (CAMRA MIN14, paragraphs 1.3).

The extracts above from SLTA, CAMRA, and the two independent licensees imply that MUP will bring an end to the loss leader practices by the big supermarket and contribute positively to the economy. CAMRA advocates for MUP to help "support struggling Scottish community pubs" and to create a level playing field between the off-trade and pubs in line with a market survey it sponsored in September 2011. The market survey indicated that "[A]lcohol prices in the off-trade can be as much as 4 times cheaper than in the on-trade" (CAMRA MIN14, paragraph 2.1).

Solutions proffered: In all, "**Minimum pricing per unit of alcohol** would be of huge benefit" (Stewart, MIN83, pg. 2, emphasis in original). Some of the solutions proffered by industry actors who evoked the positive economic frame are geared towards increased government regulation in addition to ongoing education. For example:

> *we strongly believe that this measure must be supplemented with an ongoing focus on <u>education</u> and information for drinkers on the issues associated with alcohol abuse (Tennent Caledonian MIN85, pg. 2).*

> *when <u>market failure leads</u> to persistent below cost selling, driving a culture of irresponsible drinking, <u>government intervention</u> may be needed (Molson Coors MIN41, pg. 1).*

Mr Bremner argued for a UK-wide duty, stating that it has "a defining impact" in terms of standardisation and as additional government revenue. However, Molson Coors argues against using duty stating that minimum price has advantages in avoiding anomalies that currently exist within the UK duty system. Furthermore, a minimum price cannot be absorbed by retailers to keep alcoholic drinks prices artificially low (Molson Coors MIN41, pg. 1).

6.4.1.2   Negative Economic Frames

Negative economic frames are said to be evoked when economic arguments are made with regards to the negative impact of MUP on businesses. This version of the economic frame was evoked by alcohol industry actors who oppose the MUP Bill, for example: Diageo, Edrington Group, Whyte and Mackay, Chivas Brothers, SABMiller, SWA, WSTA, NACM, SBPA, SRC, and SGF. These actors are said to target their responses at the Scottish Government, the HSC and FC members, and responsible consumers. The opening extracts of the alcohol producers who oppose MUP position the companies as active participants to the UK and the Scottish economy. For example:

> *Diageo is the <u>world's leading</u> premium drinks business and <u>a top-20 FTSE 100 company</u> … (Diageo, pg. 2).*
>
> *SABMiller is the <u>UK's largest</u> listed drinks company… It is headquartered in London, <u>listed at number 12 within the FTSE 100 index</u> … (SABMiller, pg. 1).*

The words underlined in the extracts above can be said to be strategic and signify authority and power. The extracts on their own are positive frames, but in relation to the debate and their oppositional stance, they portray MUP as a policy that would undermine the Scottish economy and the profitability of businesses as further illustrated below:

> *We do not support measures, such as minimum pricing, that aim to <u>reduce total alcohol consumption</u>. Reducing consumption without significantly reducing the number of heavy drinkers, <u>while undermining a major Scottish industry and its contribution to the economy</u>, is not a policy that is in the national interest (Diageo, pg. 3).*
>
> *It is clear that the cornerstone of the preferred policy is to adopt a <u>total population approach to reduce all consumption of alcoholic beverages in Scotland</u>. This gives us concern since such a policy, in its application, <u>does not distinguish sensible and safe drinking from excessive and harmful drinking</u> (Chivas Brothers MIN19, pg. 1).*

The extracts above hint that responsible consumers would be penalised by MUP, and that the effect of reduced consumption would also penalise the alcohol industry, especially those

who produce scotch whisky, and subsequently impact on their export and revenue to the exchequer. This aspect of the frame is captured best in Edrington Group's submission as shown in the extract below. Edrington group writing on the impact of MUP on overseas trade states that:

> *Exports of premium brands would be <u>adversely affected overseas</u> by a <u>Scottish initiated trade barrier</u>. Econometric analysis suggests that <u>14.5% of Scotch Whisky exports could be put at risk</u>. [and we] <u>fear a significant loss of business, leading to job losses and closures</u> (Edrington Group, MIN32, paragraph 22. Emphasis added).*

The effect of MUP on scotch whisky exports have been echoed by the SWA (MIN65, paragraph 21) and Chivas Brothers (MIN19, pg. 2), and other scotch producers fear that the impact of MUP would be felt beyond the borders of Scotland and that MUP could be used indiscriminately by other governments against scotch whisky, resulting to reduced scotch whisky export and revenue for the Scottish economy. The SWA stressed the negative impact of MUP on the Scottish economy and potential job losses and closure as a result (SWA MIN65, paragraph, 16). This spells doom and gloom for the Scottish economy considering the economic instabilities during a period of global recession. Job losses are mentioned explicitly in the submissions by SWA and WSTA to the FC. It is assumed that the FC members are likely to be more sympathetic to economic arguments on the negative consequences of MUP, and this may be the reason why the SWA and WSTA positioned their report in this manner (see FC written submission: WSTA, paragraphs 2.9 and 2.12, and SWA, paragraph 22). The amount of job losses is estimated to be "around 250-400" (SWA, pg. 62).

The SWA went on to cite examples of discrimination their products have faced from the Korean, Japanese, and French Governments, and suggested that other countries could follow-on with their own restrictions. This view was re-emphasised by scotch whisky producers and their trade representatives during the interviews as seen in the extracts below:

> *… our prices are global. We find quite often that in an international market there is discrimination against Scotch whisky and lots of other markets looks to the UK and to Scotland for when they are setting their taxation or restrictions regimes on their product. We think a tough regime from Scotland could be used as an excuse for other markets to use to discriminate against scotch (Participant 1 – whisky producer).*

> *The interest they had for promoting a higher tax on drinks of 40% ABV and above was largely for trade protection, to protect their own domestic market and I take the case for South Korea in particular (Participant 4 – trade association).*

Participant 1 went on to argue that beer producers supported the MUP Bill because of self-interest and the commercial benefits MUP presents to them.

Another negative impact of MUP on the economy, according to Diageo and WSTA, is a reduction in investments and loss of revenue to the exchequer due to a rise in black market sales. For example:

> *HMRC estimates that beer and spirits in the <u>black market</u> worth an estimated £1.2bn were sold in the UK last year, up 46%, at a <u>cost to the Treasury</u> of more than <u>£800m in lost duty</u>. It is unrealistic to say that this is not a problem in Scotland and one which would not be exacerbated by the introduction of minimum unit pricing (WSTA, FC, pg. 72).*

Diageo suggests that their investment capabilities may be reduced because of MUP. In presenting their arguments, industry actors who oppose the MUP Bill present evidence from government sources, reputable organisations, and research which they have sponsored. Sometimes, some of the evidence presented are contradictory and not well referenced. For example, in the submission to the FC, the WSTA cite reputable organisation WHO, in the bid to support their claim of no link between alcohol price and misuse (WSTA, paragraph 2.2). The WSTA presented Italy and Spain as cases where alcohol prices are said to be low, compared to Finland and Iceland with higher alcohol prices and cases of increased binge drinking. However, the WSTA failed to highlight any cultural differences that could have influenced the findings or account for the differences in consumption pattern. They also cited examples using the UK where alcohol taxes are said to be high without a corresponding

drop in alcohol-related harm as predicted by health experts and the Sheffield study. This view is however contestable as the rate of drinking in young adults has been falling around the developed world for the last decade (see Measham, 2008), and this is attributed to the increased cost of alcohol and increased interest in healthy living. In addition, the WSTA failed to acknowledge that some of their members often absorb the higher taxes and do not pass tax increases on to the consumer, and the loss leader practices by retailers. The WHO report WSTA cited was not well-referenced and attempts to find the said report have been unsuccessful. However, another WHO report identified contradicts the WSTA's account. According to the WHO (2009) report, "...the proportion of the total population reporting that they were heavy episodic drinkers was 54% in Ireland and 33% in Spain, (much higher than in) Finland (17%) and Sweden (11%)". In addition, ample amount of evidence showing a correlation between increased alcohol prices and taxes and a reduction in binge drinking and overall alcohol consumption exists (see Wagenaar et al., 2009). Room et al. (2002) however warn that the effectiveness of price intervention for alcohol can be easily undermined if illegal sources of alcohol are not controlled. Essentially, if buyers are priced out of the legitimate market, it creates demand for lower cost alternatives for example, buying from the black market. This is true for commodities like alcohol, cigarettes, or even French lace, all of which were smuggled into the UK in the 17th and 18th centuries. Industry actors also dispute evidence from government sources. In the evidence session to the HSC, opposition industry actors argued against the evidence derived from the Sheffield study and other elasticity-based calculation, stating that they were theoretical and that the outcomes are likely to be different (Diageo – Michael Patten, pg. 829. HSC evidence session).

The SWA's comment on the amount of revenue projected to be lost from the sales of scotch whisky due to MUP falls into the same trap of being theoretical. SWA argued that 14.5% of their exports, "£500 million-worth-over a number of years", would be lost. However, when questioned on how the statistics were generated, SWA stated that "it is calculated on the same basis as the Scottish Government's figure: the Wagenaar elasticity of price and demand" (pg. 838), which industry actors like Diageo (see pg. 841 and 854) have criticised

the government for. In addition, the SWA (see pg. 427) and the SGF quoted losses in the evidence session to the FC can also be regarded as theoretical as there is no certainty that MUP would affect the export market. Other unintended consequences of MUP that would impact on the economy include reduced incentives for producers to be competitive (Diageo, pg. 4), increased crime rates, cross-border trade, and counterfeiting of products (Edrington Group MIN32, Paragraph 24; SABMiller, paragraph 21; Whyte and Mackay MIN92, pgs. 1 and 2; WSTA MIN93, paragraph 1.11).

Solutions proffered: The MUP Bill is a market intervention by the government and industry actors who oppose the Bill are wary of the impact of such market interventions as seen in the extracts below:

> *We believe that it is for retailers to <u>control the price</u> at which goods are sold... This guarantees effective price competition and the best possible deal for the consumer (Morison's MIN94, paragraph 2.5).*

> *Minimum prices <u>interfere</u> with the most <u>fundamental aspects</u> of a <u>free market economy</u>. (SABMiller, paragraph 11).*

Their arguments above suggest that they favour the status quo, which is to allow the market to control alcohol prices as opposed to government legislation for minimum price based on a unit of alcohol. Industry actors would prefer the government to use duty and VAT as an alternative to MUP.

> *… it is our belief that if the Scottish Government wishes to influence the price at which alcohol is sold in Scotland it would be preferable to achieve it using a ban on sales below cost (defined as VAT plus excise duty)(Co-operative MIN26, paragraphs 4.11).*

> *While SRC queries the link between price and irresponsible consumption and therefore does not support duty rises either, its general view is that if the state is going to intervene in the pricing mechanism, excise duty applied on a UK-wide basis, together with a ban on sales below tax10, would be preferable to minimum pricing as a means to do so (SRC MIN75. paragraph 17).*

Duty, the SRC argues, is more flexible than a fixed price per unit for all alcohol, and that duty can be targeted at different products depending on different perceived health and social or economic objectives (SRC MIN75, paragraph 17). In support of no further government legislation, Diageo and Edrington Group present evidence showing stability in alcohol consumption and a reduction in the death rate from liver disease to discredit the Bill:

> Alcohol consumption in Scotland has been <u>stable</u> for six years and <u>indicators of health harm show a decline</u>. This would indicate the measures already put in place are <u>having a positive impact</u> (Diageo, pg. 3).
>
> b. Deaths from alcoholic liver disease have also declined since 2006[3].
> c. Alcohol-related hospital discharges have declined over the past two years (2007/08 -2009/10) from 43,054 to 39,278, a reduction of 8.8%[4] (Edrington Group MIN32, paragraph 4).

The extracts above infer that the legislation introduced prior to the MUP Bill is effective and that the government should give it time to work before introducing further legislation. Chivas Brothers and SABMiller proffer further solutions in the form of an individualised approach to tackling alcohol misuse using education and personal responsibility (see Chivas Brothers MIN19, pgs. 1 and 2; SABMiller, paragraphs 28 and 30). An individualised approach (i.e. self-governance) to managing alcohol misuse is one of the key principles of the neo-liberal ideology, which also informs the preference for market-based solutions. A summary of the economic frame detailing industry actors' interests and intended audience for their arguments and solutions proffered is presented in Table 6 below. The chapter moves on to examine the social frames identified in the data.

6.4.2 Social Frames

The social frame captures instances where industry actors highlight their active engagement with the government, non-government agencies, and the civil society in resolving problems with alcohol misuse and/or abuse. They also position themselves as socially responsible organisations by advertising industry-led initiatives towards alcohol harm reduction and advertising their memberships of various trade bodies. The social frames can be proactive or

reactive; and are used by different actors with different interests, argumentations, and solutions targeted at different audiences.

6.4.2.1 Proactive Social Frames

Social frames evoked by industry actors are proactive when they control a situation rather than react to the situation. Industry actors who support the government intervention – Tennent Caledonian, Molson Coors, the SLTA, and on-trade retailers – evoked proactive social frames.

> *The SLTA has advocated the introduction of minimum pricing controls for alcohol for more than 40 years, since the UK Government of Edward Health abolished Retail Price Maintenance (SLTA MIN72, pg. 1).*

The interests of industry actors who evoke the proactive social frames tend to align with the Scottish Government's intention for social calm and to ensure that alcohol is enjoyed responsibly in Scotland. These industry actors highlight their ongoing collaboration with the government and their CSR activities:

> *Tennent Caledonian <u>plays a leading and active role</u> in the Scottish Government's Alcohol Industry Partnership of which we are a founding member (Tennent Caledonian MIN85, pg. 1).*

Tennent Caledonian also highlighted their "launch and expansion of the Tennent's Training Academy aimed at promoting best practice in the Scottish hospitality industry" and the "launch of Caledonia Best – a new 3.2% ABV ale" (Tennent Caledonian MIN85, pg. 1), a new product line with reduced alcohol content which aligns to their UK PHRD commitments.

The key audiences that their submissions speak to are the Scottish Government ministers, consumers, responsible retailers, and charitable organisations. Their interests include the effective control of alcohol using multiple approaches, changing the consumption habit of young people who are prone to misuse, introducing a MUP proportionate to harm caused, and reducing abuse by the minority problem drinkers as evident in the extracts below. Tennent Caledonian advocates for a minimum price on the condition that it "is introduced

as one of a range of measures aimed at tackling this issue" (Tennent Caledonian MIN85, pg. 2). Mr Stewart affirms the government proposal would be of huge benefit if it is well targeted to discourage heavy drinking (Mr Stewart MIN83, pg. 2).

Solutions proffered: The dominant solution that these industry actors propose is mainly government intervention in the form of legislation. Molson Coors believes that the MUP will help Scotland to rebuild respect for alcohol and that they would "support a UK–wide ban on below cost selling that takes proper account of the cost of production" (MIN41, pg. 2). Supporters of the Bill focused more on responsible consumption and how a pricing mechanism can foster responsible consumption, cultural change, and a change in attitude towards alcohol rather than blaming individual attitudes for problems from alcohol (Tennent Caledonian MIN85, pg. 2; SLTA MIN71, pg. 1).

Tennent Caledonian (MIN85, pg. 2) and the SLTA both argue against the use of education as a standalone solution and that education should be used in conjunction with government legislation. SLTA stated:

> *… those who advocate that education is the best way forward have, despite their efforts, failed to succeed. Those who advocate taxation, do not understand how the industry works. The large alcohol retailers do not necessarily pass on any duty increase and in a number of cases simply force their suppliers to absorb the cost (SLTA MIN71, pg. 1).*

Tennent Caledonian, like the SLTA, argues against the use of taxation alone because of the potential for off-trade retailers to undermine it and not pass VAT and duty increase to their customers. Mr Stewart, in his submission, advocates that the government should supervise the advertising of alcohol, stating that alcohol advertising is tasteless, shocking and depicts a lot of aggression, violence, and sex, especially in the marketing of alcopops (Stewart MIN83, pg. 2).

6.4.2.2   Reactive Social Frames

As the name implies, reactive social frames are social frames evoked by the alcohol industry actors in reaction to the proposed MUP Bill by the Scottish Government. The social frames are said to be reactive if they <u>deny</u> the existence of alcohol misuse or the effectiveness of the MUP, <u>challenge</u> the evidence presented by the government and/or reinforcing the status-quo which aligns with market arguments and self-regulation, or attempt to <u>shift</u> the debate. This frame, when evoked, is said to target government ministers (Members of Parliament), consumers, and regulators. These actors are mainly those opposed to the Bill, for example: Diageo, Edrington Group, Whyte and Mackay, Chivas Brothers, SWA, WSTA, NACM, and SBPA. In addition, the social frames evoked by these industry actors can be positive and like those from industry actors who support the Bill, when, for example, they highlight the social initiatives they are involved in or list the various associations they belong to and/or support.

> *As a producer and supplier of alcohol <u>we take our responsibilities</u> very seriously. … <u>We are an active member</u> of <u>Drinkaware</u> and a signatory of the <u>Responsibility Deal</u>. We also participate in the <u>Scottish Government Alcohol Industry Partnership</u> (Whyte and Mackay MIN92, pg. 1).*

> *Along with other retailers, we led the industry in tackling under-age drinking, with the introduction of the "Challenge 25" scheme well before it recently became mandatory across the licensed trade under the Alcohol etc (Scotland) Act 2010 (Morrisons MIN94, paragraph 2.3).*

The Co-operative Group, in their written submission, lists out the various initiatives and projects to promote responsible drinking which they champion, including implementing the "'Challenge 25' throughout our stores well before it became a regulatory requirement under the Alcohol etc (Scotland) Act 2010", and the proposed rolling out of the Drinkaware 'unit awareness' campaign throughout their stores (Co-operative Group MIN32, paragraph 3.2). The extracts above appear to advertise the image of the organisation positively. Highlighting the various CSR (i.e. 'Campaign for Smarter Drinking') or charitable works (i.e. financial support to the Drinkaware Trust) presents the organisation as accountable.

Reactive social frames are evident when opposition industry actors attempt to <u>shift</u> the focus of the debate from alcohol use to alcohol misuse. For example, they agree with the Scottish Government on the need to reduce alcohol misuse in Scotland:

> *… we believe very strongly that misuse does not have a place in that society. We want to address <u>the misuse</u>, <u>not the use</u>, of alcohol (SWA – Gavin Hewitt, pg. 821 HSC oral evidence).*

> *We have heard that the misuse of alcohol is an issue, but alcohol is misused in degrees (NACM – Bob Price, pg. 820 HSC oral evidence).*

Here, the industry actors present a 'normalising account', by responding to needs and agreeing to the societal convention that alcohol misuse is a problem which harms the health of the consumer. It is however not unusual for industry actors to align their goals with that of the society or as a regulatory authority. Similar strategies have been adopted by the tobacco industry (see Moerman and Van der Laan, 2005). The authors stated that "In 1999, WHA [World Health Assembly] introduced measures to significantly curb the increase of tobacco use worldwide and the tobacco industry within two years introduced its own standards and BAT [British American Tobacco] repositioned itself to appear a "transparent" and responsible corporate citizen" (Moerman and Van der Laan, 2005: 379).

On the topic of alcohol use, the SWA argued that their products are not more dangerous to health than a low-alcohol beer because "… it is how one drinks it that matters" (SWA – Gavin Hewitt, pg. 853 HSC evidence session). The strategy adopted by the SWA here is <u>contestation</u>, as they suggest that high-strength alcoholic beverages are not to blame for the social problems associated with alcohol use. The SWA also advocates for alcohol harm reduction and not just a reduction in consumption:

> *What we believe is that we should seek to address and reduce alcohol harm … if we were to reduce consumption and not address alcohol harm, that would miss the target that the policy should seek to achieve (SWA – Campbell Evans, pg. 421. FC evidence session).*

The SWA appears to conform to societal needs. Opposition actors, though they agree that there is a problem with consumption patterns and levels, they <u>deny</u> the evidence provided by the Scottish Government on the effectiveness of MUP and the link between price and consumption. Denial is the third reactive strategy, and it is portrayed in the extract below:

> *[MUP] … will have little or no impact on the minority who have alcohol dependency issues (Whyte and Mackay MIN92, pg. 1).*

> *There is no strong evidence as to the effectiveness of minimum pricing as a policy to reduce alcohol-related harm (SWA, paragraph 19).*

This denial comes despite evidence from alcohol scholars on the impact of price on consumption (see Sloan et al., 1995; Anderson and Baumberg, 2006; Wagenaar et al., 2009; Stockwell et al., 2012b). Industry actors also questioned the credibility of the Sheffield study, stating that the results quoted are theoretical (Diageo – Michael Patten, pg. 829. HSC evidence session). Diageo attempts to protect their exchanges. Retailers also challenge the assumption that the anticipated windfall, will profit retailers, stating that the figures are theoretical and may not be translatable:

> *We feel the windfall figures might have been overstated and that the full industry and consumer response has not been taken into account (Tesco – Emma Reynolds, pg. 832, HSC evidence session).*

> *… we question whether there would be a windfall figure that has been suggested. The number is <u>theoretical</u>. There might be a windfall, but it is questionable whether it would be the size that is quoted in the Sheffield research (SBPA – Patrick Browne, pg. 834, HSC evidence session).*

Here, the retailers are said to protect their propriety by communicating authoritatively. Opposition actors focused on the unintended consequences, the negative impacts on the different consumer groups, and the complexities of alcohol problems (Whyte and Mackay MIN92, pg. 2; Asda – David Paterson, pg. 824, HSC evidence session). They attribute these complexities to cultural issues which cannot be solved by price (i.e. regulation). Thus, they advocate for a mixture of market control, self-regulation, and education as an alternative to legislation. The SRC, in their written submission, stated that MUP "… is an unfair and

untargeted measure, penalising the majority of responsible drinkers" (paragraphs 8 and 28). The SRC projects an image of a fair organisation and attempts to locate a friendly audience (for example, low-income and majority responsible consumers) who are likely to be sympathetic to their course. As earlier stated, two trade bodies, the SRC and SGF, who represent the off-trade retailers, changed their position from opposing to supporting the Bill following the outcome of the legal challenge between the SWA and the Scottish Government. The representatives of these trade association have since committed to and have been involved in the implementation of the Bill as the extracts below suggest:

> *I think we have taken a very pragmatic view we actually worked with the government to ensure that the policy was implemented erm and our members complied with it. It strengthened our credibility with key stakeholders, the government, and local authorities (Participant 5 – retail trade association).*

> *But we certainly felt that there was a point we just got on and make things work … I think some groups where determined to be right and there was just a real political will to do this, let us not worry about the rights and wrong and make it work and be more pragmatic (Participant 3 – retail trade association).*

Solutions proffered: The solution proffered, as evident in the arguments above, is to maintain status quo and let the market determine the price of alcohol. Some social solutions include co-regulation with the government and targeted intervention for those who misuse alcohol through an alcohol awareness programme, education, and industry-led CSR activities. Diageo, in their written submission, stated that they believe that "an open and constructive dialogue between government and stakeholders is a vital part of the process of good policy making [SIC]", and that they fully endorse the government's "objective of eliminating irresponsible behaviour – whether on the part of consumers, producers or retailers". Diageo makes further suggestions as shown in the extracts below:

> *Under co-regulation, the Government and the alcohol industry draw up standards together, which are strictly monitored and enforced, both within the industry and by Government through existing laws and regulations.*

> *Strengthening the enforcement of these existing laws and regulations would be preferable to the introduction of new laws (Diageo, pg. 2).*

In promoting the individualised approach to managing alcohol misuse, the SWA and Morrisons suggest that the government should focus on the minority population that misuse alcohol:

> *The issue that we need to tackle is the 30 per cent of people who drink 80 per cent of the alcohol (SWA – Gavin Hewitt, pg. 830. HSC evidence session).*

> *There is a strong argument that targeted interventions toward problem drinkers would be substantially more effective and more proportionate than the imposition of minimum pricing (Morrisons MIN94, paragraph 3.6).*

Morrisons went on to cite an example of the use of brief interventions in Canada and its effectiveness. Nevertheless, studies have shown that the effect of brief intervention diminishes within a year for harmful and hazardous consumers (Graham and MacKinnon, 2010; see also Kanner et al., 2007). Alcohol brief interventions (ABI) are continuously being used and monitored within NHS Scotland (see ISD, 2018 publication report), but their effectiveness varies depending on the setting where the intervention takes place (see Platt et al., 2016) and how soon the intervention is initiated (Graham and MacKinnon, 2010). Chivas Brothers advocate for personal responsibility which they stated, "is the core message of our on-going social responsibility campaign, "Accept Responsibility" (Chivas Brothers, MIN19, pg. 2).

These actors put forward strong arguments without corresponding strong evidence to their effectiveness, and they also fail to acknowledge that the "determinants of health not only lie at individual level, but include wider social, environmental and economic factors" (Graham and MacKinnon, 2010: 603). This perhaps is what these industry actors refer to when they state that alcohol issues are "complex".

In the event that the MUP Bill is passed, Industry actors also insist that MUP should be discontinued if found to be ineffective following the review process and that the "sunset clause" for this should be stipulated on the face of the Bill.

> *The scheme's effectiveness should be subject to annual review, against clearly understood, transparent and objectively evidenced criteria, and the scheme should be discontinued should the review demonstrate its ineffectiveness or its introduction leading to undesirable consequences, viz illegal activity/illicit market (Edrington Group MIN14. paragraphs 28 and 29).*

In adjusting MUP following its implementation, the representative from Asda suggested that an "annual [review] would be much more sensible and reasonable" (Asda – David Paterson, HSC evidence session, pg. 852), bearing in mind the contract that exists between retailers and producers. This option was supported by other industry actors who oppose MUP as a more favourable option than index-based increases.

Table 6: Summary of Industry Actors Position on MUP: A Discursive Approach

		Actors	Interests	Audience	Arguments	Solutions
Economic Frame	Positive	Tennent Caledonian, Molson Coors, SLTA, CAMRA, Mr Bremner and Mr Stewart	MUP would: • Target problem prices. • Protect their premium brands from off-trade retailers' loss-leader practices. • Protect investments and jobs. • Create a level playing ground with off-trade retailers. • Protect government revenue by stopping the off-trade reclaiming VAT as a promotional expense. • Support struggling pubs	Scottish Government Policymakers Regulators	• Stop the freefall of alcohol prices instigated by the off-trade supermarkets. • Alcohol should be bought based on brand preference and taste, not price. • Market forces often fail, so government intervention becomes necessary. • Duty + VAT have anomalies.	• Government regulation • Education
	Negative	Diageo, Edrington Group, Whyte and Mackay, Chivas Brothers, SABMiller, SWA, WSTA, NACM, SBPA, SRC and SGF	MUP is • Illegal. • Affects competition and overseas trade. • Erodes price hierarchy in off trade. • Increases unregulated alcohol sales and crime.	Scottish Government MP's (HSC and FC) Responsible consumers	• Market distortion is unwarranted. Government intervention on price is poorly targeted and penalises responsible consumers. • The impact of an automatic MUP increase on contracts between retailers and producers should be considered.	• Market control • Ban on selling below Duty + VAT • Sunset clause
Social Frame	Proactive	Tennent Caledonian, Molson Coors, the SLTA, and on-trade retailers.	• To change the consumption habit of young people. • MUP must be proportionate to harm caused and reduce abuse by the minority problem drinkers.	Scottish Government Consumers Responsible Retailers Charities	• Education is not the best way forward. • Taxation is easily undermined by the off-trade retailers and shouldn't be an option	• Regulation • Promoting responsible drinking
	Reactive	All opposition industry actors	• Protect responsible consumers. • Helping consumers make informed choices	Government ministers Consumer Regulators	• Any intervention should focus on the minority with alcohol problems. • MUP presents unintended consequences which undermine government efforts.	• Market control • Education (Not, problem drinks, but problem drinkers) • Sunset clause • Annual review with evidence of effectiveness

Source: Author

6.5   Summary

This chapter set out to address the research questions on how the alcohol industry responded to the Scottish MUP consultation, the frames they used, and how these frames inform our understanding of the alcohol industry cleavages. Cleavages are said to arise when actors have an interest to protect a target audience, and a disagreement between two or more parties in relation to the interest to be safeguarded. The chapter presented the positions of the industry actors on the MUP Bill using a structural or functional approach i.e. based on the industry sector they belong to. This approach considered the industry actors' interest and target audience. It identified two main cleavages: (1) inter-industry cleavages i.e. between producers and retailers, and (2) intra-sectoral cleavages i.e. cleavages within the producer sector and within the retail sector. Further cleavages were also identified within the off-trade retail sector. In this chapter, the interests of the industry trade associations were classified as pro-market or pro-legislation, or as a mixture of both. The alcohol industry actors' frames were reorganised to show the commonalities in industry use of language (despite their cleavages) that would otherwise not be captured using the structural or functional approach. The frames identified were economic and social frames. These frames were further subdivided into positive economic or negative economic frames, and as proactive or reactive social frames. This process, highlights industry cleavages as well as their points of agreement across the different sectors.

This chapter has addressed the research questions set out in the introduction and has reflected on how cleavages were created and expressed through language. What we do not know is if these cleavages impacted on the policymakers' deliberations or their perception of the alcohol industry, how these potential challenges were managed, and the implication of these cleavages for intra-industry cohesion and legitimacy. These concerns are addressed next.

CHAPTER 7.   WE LOVE YOU DESPITE YOUR SHORTCOMINGS - POLICYMAKERS' PERCEPTIONS OF ALCOHOL INDUSTRY CLEAVAGES AND STRATEGIES ADOPTED TO PREVENT DELEGITIMATION

7.1   Introduction

As already noted in the literature review in Chapter 3 and in the first findings chapter, cleavages are arenas of tension and contestation, and they often emerge within industries with differentiated products (Barnett, 2006; Kim, 2017) and large groups with different interests (Olson, 1965). Following my analysis, the key finding here is that contrary to the postulations of cleavages, the collective legitimacy of the Scottish alcohol industry is unharmed. This is a puzzle. For example, the then Cabinet Secretary Nicola Sturgeon stated

> *… our alcohol industry is an <u>important</u> part of our economy. […] we will continue to offer support to businesses to grow including in the export market (Parliamentary meeting on March 14, 2012, pg. 7205)*

> *… none of the motivation behind the policy is an intention to damage legitimate business interests (see HSC report 2012, paragraph 307).*

The Scottish Government has continued to interact and collaborate with the alcohol industry, and the industry has continued to sell its products to consumers both at home and overseas. Given this scenario, and in line with literatures on corporate political activity – firm size and resource capability (Hillman and Hitt, 1999), firms level of power based on (economic) resources controlled (Hillman et al., 2004; Pfeffer and Salancik, 1978), and legitimacy (Suchman, 1995; Diez-Martin et al., 2013) – it is evident that the industry did not lose its legitimacy and the government was solidly behind it.

In order to explore the identified puzzle further, this chapter addresses the research question: How do policymakers (as legitimacy conferrers) perceive and respond to cleavages without negatively affecting industry legitimacy? This question focuses on policymakers as conferrers of industry legitimacy (see Deephouse et al. 2017), and examines how the committee reports[44], parliamentary deliberations, and interviews with MSPs dealt with industry actors' cleavages in relation to their legitimacy as an industry. Deephouse et al. (2017)'s paper examined the various conferrers of legitimacy and how the conferrers of legitimacy evolved over time in the literature to include media, investors, and other stakeholders, of which policymakers are one of such groups. The focus of this thesis is on the discursive[45] strategies that the policymakers used, to maintain the legitimacy of the alcohol industry in Scotland. The study finds that the policymakers, during their deliberations in parliament and through the committee reports, adopted some discursive legitimating strategies which helped to uphold the alcohol industry's legitimacy. This chapter explores the policymakers' perception of the alcohol industry and their cleavages, and then discusses the legitimation strategies observed in policymakers' texts and transcripts of parliamentary debates.

7.2 Policymakers' Perceptions of the Alcohol Industry and their Cleavages

Evidence from the interviews, the committee's report, and the transcripts of the parliamentary debates suggests that the Scottish Government perception of the alcohol industry is mixed (i.e. between favourable and unfavourable perceptions). On the favourable side of things, one of the MSPs during the parliamentary debates stated that he was "... not

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[44] The committee reports formed the bases of the parliamentary debates and subsequent amendments to the MUP policy.

[45] The term discursive as used in this context of this thesis pertains to language use and should not be confused for discourse theory or discourse analysis.

opposed to working with the alcohol industry (Simpson – Labour MSP. Parliamentary debates 24/05/2012, pg. 9401), which is in line with the Scottish Government's view that

> *… the Bill looks to an increase in the productive Scottish economy, some of which will filter back to the Treasury. (HSC report 2012, paragraph 316).*

In addition, when MSPs were asked if the Scottish Government trusted the industry, the response was positive.

> *I think we do trust the industry. I understand why the industry would be worried, although some MSPs were angry that the industry took it [the MUP policy] to court, after the judgement came out, the anger all evaporated away (MSP 1).*

MSP 1 added that "[T]he relationship between the government and the industry remained cordial even during the court proceedings". However, MSP 3 had a different view, which was unfavourable, whilst reflecting on the performance of the SWA and SGF representatives during the evidence session.

> *I think they [SWA and SGF] lost a lot of credibility with members of the committee, certainly myself (MSP 3, emphasis added).*

This view stemmed from the fact the two industry actors denied that preloading as a phenomenon even existed. MSP 3 added that the industry actors made things up as they went along during the oral evidence session and that that did not do them any favours. He continued, stating that there were lots of issues with their credibility, that the evidence they gave was not credible and lots of it were assertions, but this loss in credibility was "short-lived" (MSP 3). Reflecting on the legal challenge by the SWA, MSP 3 stated that the legal challenge was justifiable but "it lost them a lot of goodwill in parliament because it looked like they were disputing parliament authority on that issue". The position of these MSPs aligns with Barnett (2006) assertion that organisations that stand out and oppose a government policy often do not stand to gain a favourable reputation. It is worth noting that during the interviews, the MSPs tended to use the phrases reputation and legitimacy

interchangeably. However, reputation refers to an organisation's unique feature, whereas legitimacy is a shared feature beyond the individual organisation (see King and Whetten, 2008). When asked how the government and MSPs viewed the alcohol industry in general, the responses from the MSPs interviewed were positive:

> *I don't think anyone is against the alcohol industry as such, exports of whisky are <u>very important</u> to Scotland, most people and I think everyone in the committee would support that. I don't think anyone in the committee was antagonistic to the alcohol drinks industry … I would say on the whole, we have a <u>positive attitude towards the alcohol business</u> (MSP 2).*

> *The government in Scotland and the UK, in general, <u>have a good relationship with the industry</u>, the policy was not to anyway damage the alcohol industry. In an economic, sense, the whisky and gin and the beer industry is a big financial contributor to the economy (MSP 1).*

MSP 1 went on to justify his response by comparing the alcohol industry to the tobacco industry on the grounds of health benefits and the extent of harm caused. A similar comparison was made by Simpsons, an MSP during the parliamentary debates who quoted the World Health Organisation (WHO) stating, "The World Health Organisation is clear that there should be no input from the tobacco industry in discussions, but the alcohol industry is quite different" (Parliamentary debates 24/05/2012, pg. 9401). The reference to the WHO by the MSP in this regard positions the alcohol industry as legitimate compared to the tobacco industry. This position was also echoed by industry representatives during the interviews as shown with the extracts below:

> *I think there are fundamental differences between tobacco and alcohol, the differences are the evidence on harm for tobacco is much more. There is nothing like a safe cigarette, while with alcohol, moderate consumption is said to be healthy (Participant 7 – beer producer).*

> *cigarette is a minority sport and not a majority sports, everyone in Scotland or a vast majority consumes alcohol responsibly whereas with cigarette it was a minority and the health impact was quite profound and the cigarette*

industry was covering up the impacts of cigarettes on human beings (Participant 6 – beer producer).

Despite the unfavourable dispensation, there was still a willingness to protect and continue working with the industry as shown in extracts from Nicola Sturgeon (see HSC report, paragraph 307), and the extracts from MSPs, which constitute a positive step to prevent the delegitimisation (or sustain the legitimacy) of the alcohol industry.

The strategies used by the government to protect the legitimacy of the alcohol industry are explored in the section below.

7.3   Policymakers' Discursive Legitimating Strategies

The preceding chapter identified two linguistic cleavages/frames – i.e. economic and social frames from industry actors' submissions. These were further divided into positive and negative economic frames, and proactive and reactive social frames. The findings presented in this section, in line with Suchman (1995), van Leeuwen (2007), and Vaara et al., (2006)'s frameworks suggest that policymakers can use paradoxical legitimation or delegitimation strategies to uphold the legitimacy of an industry simultaneously, despite their structural and linguistic cleavages. For instance, this study suggests that they simultaneously or consecutively: (1) normalise and undermine, (2) co-opt and neutralise, (3) support and rebut, and (4) attack and protect. Using these strategies simultaneously appears to help create the balance that necessitated the sustained legitimacy of the alcohol industry in Scotland (See Table 7, and Figure 6 below). These strategies are further examined below.

7.3.1 Normalisation for Undermining (i.e. Normalise and Undermine)

Normalisation is a way of conferring legitimacy by reference to normal or natural behaviours (Vaara et al., 2006). My findings show that policymakers, in response to industry actors'

frames and linguistic cleavages, try to normalise the emergent cleavages as *a normal characteristic* of both intra-industry competition and the policymaking process. The HSC acknowledged that industry actors can afford to take different perspectives and that competition is an integral part of life and business. Cleavages are thus, an expression of competition and "it is only natural" as noted by MSP 2.

> *they did take different views; those that export was against, and those that were in support, like Tennent Caledonian[46], I think that was logical. For some Scottish business with a high-end product if the cheaper products are forced to be more expensive that would probably help the better-quality products (MSP 2).*

When asked if the division affected the committee's deliberations, MSP 1 replied, "No, I don't think so" and went on to say that the presence of cleavage is a …

> *strength rather than a weakness. The committee system that we operate in Scotland is very good for accommodating and allowing people to voice their opinion. It is not a case of divide and rule (MSP 1).*

The extracts above recognise the role of competition and healthy debate within the market and political systems in Scotland.

> *[It was] <u>just a natural consequence of the nature of the change that is being made</u> and the fact that they were tackling problems being created by one part of the industry, which would have a benefit for the other side of the industry (MSP 3).*

Positioning cleavages as core to market competition normalises them and protects the legitimacy of the alcohol industry. Apart from the normalisation of cleavages, as an essential element of market competition, they also manifest in the policymaking process itself, where different actors formed different alliances. The findings suggest that the government also sought to *normalise* the discursive contestations between industry and other actors, as a

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[46] Tennent Caledonian's is predominantly a Scottish based business with limited or no export business side at the time (i.e. prior to its takeover by the C&C group).

way to maintain the legitimacy of the industry. For instance, the MSPs interviewed agreed that all the subjects discussed at committee stage never always had a consensus: "there is always a division amongst witnesses on the evidence" (MSP 2). This view was also shared by a representative of a trade association: "[T]he government understands that some will agree with them and others won't. They are used to it" (Participant 2). This is a *normalisation* strategy because it references a normal or natural functioning or behaviour" (Vaara et al., 2006: 797).

However, the normalisation of cleavages and competition in the policymaking process, in this instance, worked in favour of the Scottish Government. In the case of the MUP debates, the committee and the government took advantage of the industry cleavages and the differences in the opinions of the witnesses, in order to discursively undermine the position of the industry. For example, the government ministers used the comments of industry actors who supported MUP to undermine the position of those who did not support it as illustrated in the snippet in Box 1 below on the consumption patterns of young people.

Box 1: Extract from HSC report, (2012) pg. 21 paragraphs 105 to 107.

> *105. Young people's attitude to drink was of particular concern to some witnesses. Dr Gillan told the Committee—*
>> *"We adults have not yet grasped how the drinking culture among young people has changed, even compared with the culture when we were young."[90]*
> *106. The drinks industry also recognised a change in the behaviour of the younger generation, particularly when it came to "pre-loading". Michael Patten of Diageo suggested they were less responsive to pricing than policymakers may wish. He said—*
>> *"We have seen shifts in the culture around alcohol consumption that need to be addressed, but we are not going to succeed in doing that using the pricing mechanism."[91]*
> *107. Paul Waterson of the Scottish Licensed Trade Association took a contrasting view, putting pricing firmly in the centre of the discussion. He told the Committee—*
>> *"A change is taking place that is being driven by price, which is taking people out of the controlled environment and allowing them to drink at home. It is quite an easy equation to do. There is no doubt that young people are strategic when it comes to planning their drinking on the basis of price."[92]*

As one of the MSPs acknowledged during the interview, the division amongst industry actors, "… strengthened the government's position that some alcohol industry members did support

the minimum pricing" (MSP 2). The interviewee went on to say that "if the whole industry were [SIC] united against it [i.e. the MUP Bill], I suppose it would have had some effect" (MSP 2, emphasis added). By effect, the MSP meant "… the opponents in parliament would have been in a stronger position if there had been nobody from the alcohol industry supporting it and giving evidence to that effect" (MSP 2). Some industry actors corroborated this view:

> *It would have been much easier particularly if the SLTA had opposed the MUP; and if the whole industry had been opposed, then, indeed, the political argument would have been easier to engage with; and I think there would have been hesitation from the Scottish Government, in going ahead. Just as there is hesitation in the UK Government about going ahead with the MUP (Participant 4 – trade association).*

In other words, the way a government frames a policy and the evidence it presents to support its position can fuel cleavages amongst the different actors, and at the same time normalise these cleavages, as a form of competition or as part of the normal policy process. In line with Sturdy et al. (2012), the SNP government's health-focused manifesto can be said to have used the MUP consultation process to gather support and to recruit industry actors to "help in the implementation" of the policy (MSP 1). One way to make sense of this contradictory position of normalising for undermining is to argue that while the government sees competition as normal, it does its best to pander to the excesses of competition in line with societal expectations. The balance here between normal competition and abnormal competition (i.e. the excesses of competition) is an expression of moral legitimacy. In that regard, normalisation for undermining, as a legitimating strategy, protects industry actors' moral legitimacy by realigning the industry to accepted societal norms. Cleavages characterised as part of the policy process, in this instance, may undermine the industry but also support the recruitment of industry actors to help implement the will of the government as explained next.

7.3.2 Co-optation for Neutralisation (i.e. Co-opt and Neutralise)

This strategy, as the name suggests, involves identifying with the opponents' views in order to co-opt them. In that regard, opponents could also be positioned as partners (Luyckx and Janssens, 2016) and thus help legitimise the opponents. Luyckx and Janssens referred to these as "*discursive co-optation*". In their reports, the committee sometimes sided with the industry actors. For example, the HSC did not disagree with the industry on the point of better education for consumers. They also acknowledged the role of the industry actors in the implementation process, as stated by an MSP during the interview:

> *It was good to bring the industry in and they did come up with ideas that would help in implementing and on the issues regarding the misuse of alcohol (MSP 1).*

A trade representative also corroborated this view during the interview: "the policy is here, and implementation seems to have gone smoothly and I think we helped to play a big part in that happening" (Participant 5 – retail trade association). MSP 1 went on to state that it was natural for someone involved in the industry, who feels the minimum pricing will restrict them, to go against the bill. Nevertheless, the evidence for change for those who supported the Bill was said to outweigh the evidence of the positive benefits of alcohol, especially when it comes to health matters, law and order, the damage to family setting, and the disruption in homes. That type of evidence "is what led to the conclusion" (MSP 1).

The HSC, in their report, acknowledged the views of industry actors from both sides of the debate. They presented SLTA's Paul Waterson's view, which puts pricing at the centre of the debates. The Cabinet Secretary also acknowledged the point raised by Diageo's Michael Patten on the response of young people to pricing and pre-loading culture, and stated that the University of Sheffield study "found a "slightly smaller" but "still significant" impact on 18-24-year-olds. She also acknowledged that the modelling did not address binge drinking (Nicola Sturgeon, Parliamentary debate 14/03/2012. pg. 7211), thus validating Diageo's position. In another instance, the HSC also presented the accounts of two retailers who stated that there would be no windfall, or at best, the windfall would not be as large as

quoted by the Sheffield study; they then presented a counter-narrative from another industry actor who states that the biggest benefactors of any windfall will be the larger supermarkets. Responding to these cleavages, the HSC presented another quote from The Centre for Economics and Business Research (CEBR), an organisation widely referred to by industry actors who opposed the Bill stating that the retailers stand to benefit "at the expense of the poor consumers in Scotland". The HSC also drew from the opinion of a health researcher who states that it does not matter who takes the extra revenue and that what matters is that there are fewer causalities because of alcohol consumption.

Quotes from industry actors who supported the Bill helped to strengthen the government's position and in one instance (see paragraph 171), an opposing view from an industry actor (Diageo) who opposed the Bill was presented. The quote by Diageo advocated that a higher MUP value of 70p should not be considered, claiming that there would be "loss of utility and enjoyment, reduced consumption, and the impact on the domestic industries" (HSC report, paragraph 171). A third extract from a non-industry person (see paragraph 172) advocating for a 50p MUP was next presented. Notwithstanding, positioning the industry actors against each other in this manner has a cancelling effect on the industry actors' argument, but in a way that does not delegitimise the industry.

Another strategy observed in the policymakers report, is *discursive antagonism*[47]. This consists of counter-narratives that neutralise industry actors' concerns in a way that preserves or produces a positive image of the industry actor under scrutiny. Discursive antagonism is not a criticism of the industry actor nor is it intended to undermine the industry actors' credibility (see Luyckx and Janssens, 2016).

The government and the committee selectively used the evidence from industry actors who opposed the Bill and focused on evidence from non-industry actors. The non-industry actors'

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[47] Discursive antagonism is captured as Narrativisation in van Leeuwen and Wodak, (1999) and as Mythopoesis in Vaara et al. (2006).

evidence used were the Wagenaar systematic review[48], the two studies by the ScHARR at the University of Sheffield, and evidence from prominent researchers including Stockwell. These studies were referred to in the discussions on the link between price and consumption of alcohol. For example, the HSC noted that the "assumptions made in the Financial Memorandum (FM) regarding the price-consumption-harm link were challenged by a number of industry organisations" (HSC report 2012, paragraph 284), but this was neutralised by stating that the actors "did not present any "evidence to contradict the modelling of impacts on harmful drinking"" (HSC report, paragraph 286).

The WSTA and the SGF shared their concerns that the FM did not consider the impact of the Bill on the lowest income group. The FC noted their concerns but provided counterevidence which showed that "the alcohol related [SIC] death rate in the most deprived 20% of our population is five times that of the least deprived 20%", thus, suggesting "the impact on people with low incomes should continue to be evaluated, should the Bill become law." (FC report, paragraph 48 and 49).

On the ScHARR modelling, the FC "recognises that there are conflicting views from stakeholders on the extent to which MUP will change the habits of harmful drinkers". The Committee notes that while concerns have been expressed regarding the modelling, that no evidence to contradict the ScHARR modelling has been presented to the Committee. They, however, recommend that:

> *Should the bill become law, the Committee considers it crucial that the impact of minimum unit pricing is evaluated, particularly its impact on harmful drinking, including establishing whether and the extent to which the policy has resulted in savings to the NHS and the justice system (FC report, paragraph, 35).*

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[48] The Wagenaar systematic review considered 100 separate studies reporting over 1,000 statistical estimates over the last 30 years.

The extract above shows that although the FC neutralised industry actors concerns, they did not disregard them. They acknowledged their concerns and suggested future evaluation. In this case, *co-optation* for *neutralisation* helps to realign the industry actors' interest to societal needs and upholds the alcohol industry's pragmatic legitimacy (Suchman, 1995).

7.3.3 Rebuttal for Support (i.e. Rebut and Support)

Legitimation can be derived from reference to authority (Vaara et al., 2006) or individuals within whom institutional authority is vested (van Leeuwen, 2007). This is technically called *authorisation* (Vaara et al., 2006; van Leeuwen, 2007; van Leeuwen and Wodak 1999). In the context of this study, three forms of authorisation are noted. Firstly, the HSC and the Scottish Government downplayed the possible negative impacts of MUP by acknowledging and providing alternative explanations to the negative unintended consequences cited by industry actors. Secondly, the HSC, the FC, and the Scottish Government offered support to the industry based on some expert views. Thirdly, the committees and the Scottish Government counteracted industry actors and at the same time alleviated their concerns, again based on some comments from experts.

7.3.3.1   Alternative Explanations

Policy actors, in their reports, presented alternative explanations for the negative unintended consequences cited by industry actors in their submissions. Some of these consequences include the effect of differential prices between Scotland and England, which are anticipated to increase cross-border and internet sales of alcohol, black market activities, home brewing, counterfeit products, and job losses, and reduce exports. Writing on the consequences of the Bill, the HSC presented a quote from Stockwell, an authority which acknowledged the presence of some of these unintended negative consequences:

> *We need to think of the <u>big picture</u>. We must acknowledge that, with such a major change, there will be some <u>unintended negative consequences</u>, but they can be managed in other ways. The overall public health safety benefits are massive and should not be sacrificed for such concerns (HSC report, paragraph 194).*

The extract above, as presented in the report, downplays the unintended negative consequences of the Bill raised by industry actors by stating that "… they can be managed in other ways". Using an extract from Asda's David Paterson during the evidence session, which focused on the effect of the price differences between England and Scotland and the possibility of increased online alcohol retail and its impact on the Scottish economy (see HSC report paragraph 214), policymakers downplayed the concern of cross-border and online shopping by citing the Financial Memorandum (FM):

> *The Financial Memorandum that accompanied the Bill on introduction suggests that most consumers of low cost [SIC] alcohol do not purchase drink online (HSC report, paragraph 215).*

However, the SGF, WSTA, and Asda dispute this, stating that the "Scottish Government underestimated the potential of the policy to boost both internet and cross-border sales" and that the potential for a rise in grey and black markets and counterfeit products have not been properly accounted for. The HSC responded:

> *The Committee also notes the view expressed by others that, while people at the lower end of the socio-economic spectrum could proportionately face more of a financial impact, they also carried the greatest burden of harm from alcohol and, therefore, could be the group to benefit most (HSC report, paragraph 296).*

In their report, the FC noted the industry actors' concerns on the negative economic impact, but they addressed their fears by stating that numbers of job losses suggested were hypothetical:

It is difficult for us to say that there will be nil impact, <u>but we are not persuaded by the figures in</u> the Scotch Whisky Association's <u>claims</u>. (FC report, paragraph 71).

The HSC also concluded that the SWA's assertions on the impact on whisky exports lacked enough evidence, but recommended that the Scottish Government should continue to monitor the effect of MUP on whisky exports and job losses (HSC report 2012, paragraph 319). In addition, the FC noted that:

… "all minimum price scenarios modelled result in estimated increased revenue to the alcohol industry (excluding VAT and duty)" in both off and on-trade sectors (FC report, paragraph 57).

The outcome of the alternative explanation offered by the policymakers is to downplay the unintended negative consequences cited by the industry and prevent unnecessary embarrassment to the government.

7.3.3.2   Counteracting Industry Actors' Comments

The findings of this study also suggest that the policymakers ignored most of the arguments presented by industry actors and used evidence from other non-industry actors to buttress their positions. This form of *authorisation*, according to van Leeuwen (2007), focuses on the authority of individuals in whom institutional authority is vested.

… well, we didn't make use of this in this regard <u>because they [Alcohol industry actors] said it wouldn't work</u> apart from one or two exceptions, erm but that went counter to the other <u>evidence we had</u>. We did record what they said but we came to a different conclusion (MSP 1, emphasis added).

When the views of industry actors who oppose the bill were cited, MSP 1 stated that they made recommendations that would counter what they said. The government did not pay much attention to the differences within the industry but focused on the evidence presented by non-industry supporters of the Bill. For example, the WSTA and Edrington Group

questioned the Scottish Government's intention to introduce MUP when the statistics show a reduction in health harms. The committee reacted positively by questioning the reliability of the results contained in the Sheffield report, and whether it could be applied retrospectively to recent recorded data to test whether they would have predicted the reduction in the number of alcohol-related deaths that have actually occurred (HSC report, paragraph 46).

On the issue of the windfall figures, the HSC presented three consecutive extracts from industry actors who oppose the Bill (see paragraphs 196 - 198). These extracts were from Tesco, Asda, and the SBPA. The extracts portrayed the different interests of these actors on this issue, but these were immediately counteracted by four extracts from the CEBR, Stockwell, Rice, and the Institute of Fiscal Study (IFS), all four having a different view on the subject (see paragraph 199 - 202). Policymakers counteracting industry actors' comments help provide justification for the Bill, a form of *rationalisation* (van Leeuwen and Wodak, 1999; Vaara et al., 2006) which helps to uphold the legitimacy of the industry actors.

7.3.3.3   Offering Support to the Industry

In the committee reports and during the parliamentary debates, the cabinet secretary repeatedly states that the Scottish Government continues to support the alcohol industry as shown in the extracts below.

> *It is also <u>important</u> to say again, as I have said all along, that our alcohol industry is an <u>important</u> part of our economy… we will continue to offer support to businesses to grow (Cabinet Secretary – Nicola Sturgeon Parliamentary meeting, pg. 7205).*

> *I am keen to continue to work with the supermarkets and the wider industry – that comment applies to the entire alcohol industry… None of the motivation behind the policy is an intention to damage legitimate business interests. The alcohol industry is extremely <u>important</u> to Scotland. Our intention is to deal with the health harms that are done by alcohol misuse (Cabinet Secretary – Nicola Sturgeon, HSC report, paragraph 307).*

This outward show of support paves the way for future collaborations, helps prevent industry stigmatisation, and reinforces the alcohol industry as stakeholders in the Scottish economy and the alcohol policy table. From the extracts above, Nicola Sturgeon attempts to destigmatise the industry, arguably because of the perceived benefits of alcohol sales to the economy. The view on the legitimacy of the alcohol industry was reinforced during an interview session – "I have not heard anyone say that the whisky or the alcohol industry is not legitimate. We all agree that they are legitimate" (MSP 2). Policymakers offering support to the industry actors' help prevent stigmatisation of the alcohol industry and preserve their moral legitimacy (Suchman, 1995; Diez-Martin et al., 2013).

7.3.4 De-coupling/Demystify for Protection (i.e. Attack the Product and Protect the Producer)

This is the last strategy observed in committee reports and during the parliamentary debates. The committee's reports increasingly focused on alcohol as a substance and the need to change the culture of excess. This increased focus deviated attention from the industry actors. The committee and the Scottish Government avoided direct criticism of the industry but rather used positive language such as "continue to work with [the industry]" (HSC report, paragraph 309, emphasis added), "the unbalanced relationship" (HSC report, paragraph 10), "changing the culture" (HSC report, paragraphs 86 and 103) without linking the culture of alcohol misuse to the practices of the industry. The increased focus on the substance (alcohol) appears to exonerate the industry from the damage caused by their product and this is buttressed in the extract below by Nicola Sturgeon:

> *I make it clear at the outset, as I hope I have been clear all along, that the Scottish Government is not anti-alcohol. We are not against drinking, but we are very much against the problems that are associated with excessive consumption of alcohol (Parliamentary debates 14/03/2012 - Nicola Sturgeon, pg. 7204).*

The extract above focuses on the consequences of alcohol as a product without implicating the producers or retailers. The Cabinet Minister is not saying that alcohol is bad per se. The strategy observed here is one of *deflection*, which helps to uphold the alcohol industry's legitimacy. Another example of a reduced focus on the industry can be seen from the actions/inaction of the committee in representing the views of industry actors who support the policy. In the written submissions by the SLTA, Mr Bremner, Mr Stewart, and CAMRA, these organisations highlighted that introducing a MUP for alcohol will prevent VAT and Duty fraud practices of the off-trade retail sector to the benefit of the exchequer. This was however omitted, or not referred to in the committee reports. Including this in the committee reports would have been damaging to the industry. The Scottish Government's aim for introducing the MUP Bill, as reflected in the interviewee's response, was:

> *… regarding peoples' health and how alcohol impacted people's health and wellbeing and it was not a policy to say drinking per se is bad it was a policy to say the abuse and overuse of alcohol is something that would damage your health. It was not a policy to restrict or damage the industry but the damage it [alcohol] causes to the individual (MSP 1, emphasis added).*

> *The aim is for Scotland to have a better relationship with alcohol. I think and most people think that alcohol is not a bad thing in itself, but it is to have a better relationship (MSP 2).*

The successful de-coupling or demystification of alcohol as a product from its producers helped to uphold and preserve the alcohol industry's moral and cognitive legitimacy (Suchman, 1995). The Scottish Government and the policymakers' de-coupling of alcohol as a product from the alcohol industry itself is linked to the ongoing relationship fostered over the years, the positive contribution of the alcohol industry to the Scottish economy, and the health benefits attributed to the moderate consumption of alcohol.

The discursive strategies adopted by the Scottish Government to preserve the legitimacy of the alcohol industry is summarised, in Table 7 below and Figure 6 below. Figure 6 highlights the outcomes of the observed strategies under two headings: (1) (Re)alignment, and (2) de-

stigmatisation. These outcomes in turn produce three further outcomes in line with Suchman (1995) to protect the alcohol industry's prior moral, pragmatic, and cognitive legitimacy.

Table 7: Summarising the legitimating strategies observed and their intended outcomes and implications for legitimacy

Legitimating strategies	Definition	Sub-strategies	Examples	Intended outcomes	Implications for Legitimacy
Normalisation for Undermining	Legitimation by reference to normal or natural functioning or behaviour (Vaara et al., 2006).	Cleavages as competition between industry actors	Cleavages are an expression of competition "it is only natural… they did take different views" (MSP 2).	To realign the industry actors to accepted societal norms	To protect industry actors' legitimacy.
		Cleavages as characteristics of the policy process	"there is always a division amongst witnesses on the evidence" (MSP 2)		
Co-optation for Neutralisation	Identifying with opponents and presenting counter-narratives aimed at preserving a positive image of the actor under scrutiny which is opposite to the criticism as well as a negative image of the opponents to undermine their credibility (Luyckx and Janssens, 2016).	Discursive co-optation (Luyckx and Janssens, 2016)	It was good to bring the industry in and they did come up with ideas that would help in implementing and on the issues regarding the misuse of alcohol (MSP 1).	To realign the industry actors' interest to societal needs	To uphold the alcohol industry pragmatic legitimacy
		Discursive antagonism (Luyckx and Janssens, 2016)	actors did not present any evidence to contradict the modelling of impacts on harmful drinking (HSC report, paragraph 286).		
		Counter evidence	the retailers stand to benefit "at the expense of the poor consumers in Scotland" (HSC report).		
Authorisation - Rebuttal for Support	Legitimation by reference to authority (Vaara et al., 2006). Referring to the authority of actors and individuals in whom institutional authority of	Alternative explanations	We must acknowledge that, with such a major change, there will be some unintended negative consequences, but they can be managed in other ways (HSC report, paragraph 194).	To downplay the unintended consequences cited by industry actors and prevent stigmatisation	Maintain moral legitimacy

Legitimating strategies	Definition	Sub-strategies	Examples	Intended outcomes	Implications for Legitimacy
	some kind is vested (Van Leeuwen, 2007)	Offering support	I am keen to continue to work with the supermarkets and the wider industry (HSC report, paragraph 307).		
		Counteracting	Our recommendation came not from the industry but the others (MSP 1).		
De-coupling/ Demystify for Protection	The increased focus on the positive attributes of the industry		The Scottish Government is not anti-alcohol. We are not against drinking, but we are very much against the problems that are associated with excessive consumption of alcohol (Parliamentary debates March 2012 Nicola Sturgeon, pg. 7204).	To uphold/preserve the alcohol industry's legitimacy and prevents de-stigmatisation.	Uphold and preserve the moral and cognitive legitimacy of the industry.

Source: Author

Figure 6: Legitimating strategies and outcomes for legitimacy
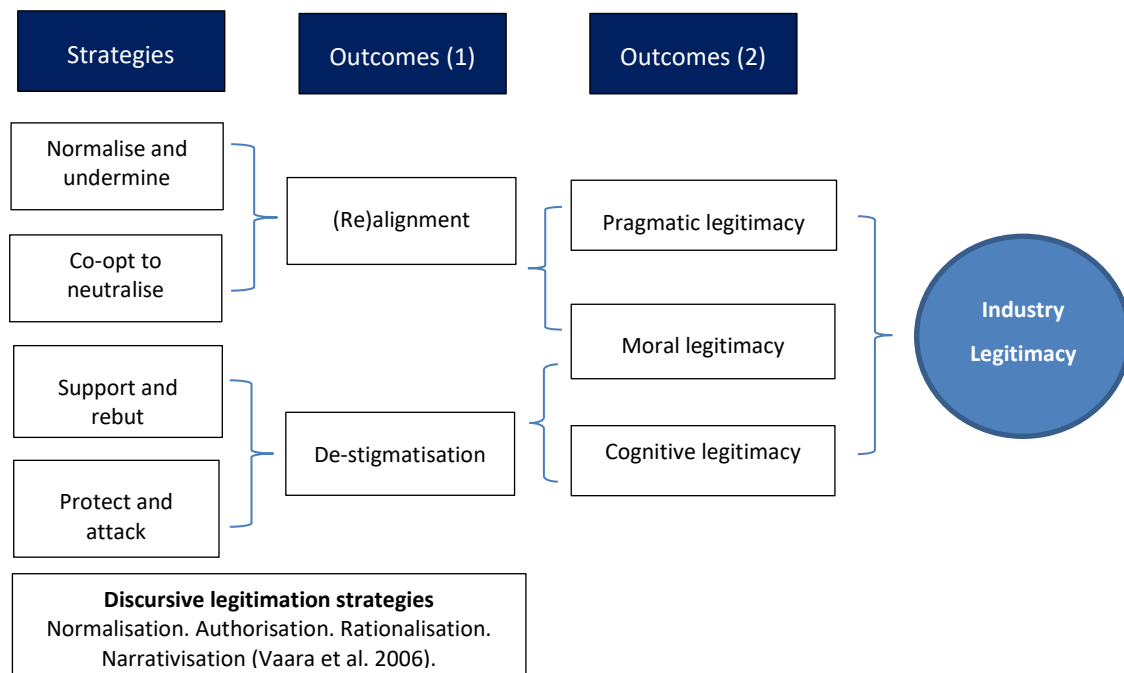
Source: Author

In summary, the Scottish Government is happy to continue working with and supporting the alcohol industry and acknowledge that they trust the industry, yet they ignore their concerns on the Bill. According to Suchman (1995: 575), "audiences perceive the legitimate organisation not only as more worthy, but also as more meaningful, more predictable, and more trustworthy". The industry actors' position on the MUP policy may have impacted on their reputation and trust levels, but overall, their legitimacy was not damaged. The thesis considered two broad areas (trust and credibility/reputation), albeit loosely, during the interviews in order to help evaluate the policymakers' perception of the industry as a legitimate entity. This chapter moves on to examine the impact of industry cleavages on the inter-industry dynamics and the strategies industry actors adopted that helped to prevent delegitimisation (and sustain legitimacy).

7.4   Summary

This chapter addresses the question on how policymakers as legitimacy conferrers perceive and respond to cleavages without negatively affecting the alcohol industry's legitimacy during the Scottish MUP policy deliberations. The key finding from this chapter is that policymakers adopted discursive legitimation strategies observed in the works of Vaara and colleagues especially Vaara et al., (2006) in order to protect the alcohol industry's legitimacy. The discursive legitimation strategies adopted by the policymakers during the policy process, as evident in their committee reports during the parliamentary deliberations and at the interviews, confirm that the Scottish Government and policymakers did not propose the MUP policy with the intention of delegitimising the alcohol industry. This thesis moves on to examine how the frames and language adopted by the alcohol industry actors during and after the policy process could have contributed to the management of the industry's legitimacy despite their division on the policy.

CHAPTER 8.   DIVIDED WE STAND - CLEAVAGES, AND THE ALCOHOL INDUSTRY STRATEGIES FOR MAINTAINING COLLECTIVE LEGITIMACY

8.1   Introduction

The literature tells us that cleavages result in the inability of members of a group to present a unified voice when faced with external threats, and loss of reputation (Christiansen and Kroezen, 2016; Winn et al., 2008), and reputation is closely linked to legitimacy. This result chapter explores why alcohol industry cleavages did not result to loss of legitimacy. The preceding results chapter shows how the Scottish policymakers, as conferrers of legitimacy, adopted discursive legitimating strategies in order to preserve the alcohol industry's legitimacy. This chapter explores how industry actors discursively sustained their collective legitimacy despite their cleavages, thus paving way for future and continued collaboration (see Deephouse et al., 2017).

The findings suggest that alcohol industry actors deploy some strategies in order to maintain industry cohesion. This is in line with Deephouse et al. (2017) on how organisations in an organisational field confer legitimacy on one another. The strategies observed in this study, are classed broadly as discursive and relational strategies and it is said to have contributed to upholding the alcohol industry's pragmatic, moral, and/or cognitive legitimacy. This chapter starts off by exploring the industry actors' perception of their differences, and legitimacy before moving on to examine the observed strategies from their consultation submissions and their interview response.

8.2   Intra-industry Perceptions of their Differences

The legitimacy of an organisation comes under attack when their business practices conflict with stakeholders' or societal expectations (Suchman, 1995). As such, intra-industry legitimacy can be a function of how industry actors, as legitimate stakeholders (competitors and collaborators) (Mitchell et al., 1997), perceive each other and their ability to collaborate with one another. The findings here show that there are three distinct groups of intra-industry perceptions: (1) positive perception, (2) negative perception, and (3) mixed perception. A summary of the three distinct groups are presented in Table 8. Industry actors' perception and/or endorsement of each other is necessary and a good step towards attaining inter-industry cohesion, and this contributes to furthering their legitimacy (See Deephouse et al., 2017).

Positive perception: Intra-industry positive perception arises when industry actors justify their positions and actions, as well as those of other actors in the industry. They see nothing wrong in either supporting or opposing the MUP. For them, it is the normal course of doing business and being in the marketplace. For example, Participant 4 (a trade association representative) opposed the MUP and justified their association's position, stating: "MUP was an issue of such enormous importance to our members, we felt it was good to challenge the government even if there were some reputational downside as a result. It was definitely worth tackling and taking up with the Scottish Government for the long-term interests". A representative of a high-strength alcohol producer stated that their "intention was not to oppose the mechanism that will reduce alcohol-related harm" (Participant 7). As an organisation, they worried about the effectiveness of the policy and the impact on the industry. Participant 7 had a positive perception of their rivals, but suggested that MUP is a complex social issue with multiple interwoven firms, and as a result there is bound to be a very broad spectrum of perspectives which does not make the other actors more or less legitimate (Participant 7). This view from Participant 7 appears to normalise cleavages, and thus the absence of cohesion on MUP as a policy issue. This view was shared by other producers of high-strength alcohol beverages and their trade representatives.

Negative perception: This presents as some form of dissatisfaction against how either a firm or the industry responded to MUP. It sometimes manifests as an expression of mistrust as seen below:

> *… there is this whole element of trust with the other industry because it seems to the whole [names trade association] that last time we were left to fight the battle and take the costs and <u>the bad publicity and all the hassles</u> (Participant 1 – whisky producer, emphasis added).*

Participant 1 also stated that the MUP "lessened the trust" within the alcohol industry as it became clearer that the members' interests were not hugely aligned. For example, "the beer companies argued their case very heavily quite actively and I guess it highlights that they won't hesitate if there were a difference of views on a particular topic to <u>work against us</u>" (Participant 1). The industry sector that exhibited this type of behaviour most are producers of high strength alcohol beverage.

Mixed perception: This perception arises when an industry actor is ambivalent and ad hoc in approach. This is particularly true for industry actors who switched position on MUP. Their perceptions tend to vary and are dependent on their positions on MUP at any given time. Participant 2 (trade association), speaking on their ability to work with other industry actors, stated that they "had a slightly different objective to other industry actors", and that when their objectives align, they work with other industry actors and when they don't, "we don't". Participant 2 stated that "… the fact that we changed our position on MUP has made it difficult for others to work with us because of problems with consistency". This lack of consistency impacts on trust and future relationship. Participant 3 (retail trade association), speaking on the public perception of the industry, stated that the industry's reputation was damaged, and this encouraged them as a trade body to switch position in order to maintain their legitimacy and a positive public perception of the retail sector. Participant 3 went on to state that "over the last 18 months to the implementation of MUP, trust from the government to our organisation improved", and this is due to their revised position on MUP. Participant 3 implies that MUP has affected the alcohol industry reputation with the government, particularly for producers who opposed the Bill, but not the retailers since they

moved to support the Bill. This aligns with Deephouse et al. (2009: 9)'s assertion that "organisations that stand out, gain a favourable reputation" sometimes. The industry sector that exhibited this type of behaviour most are trade associations representing the off-trade retail sector.

Table 8: Summary of intra-industry perception of legitimacy

Perceptions	Descriptions	Dominant Actors
Positive	Industry actors justify their position and actions and those of other industry actors	Producers of high-strength alcohol and their trade representative
Negative	Dissatisfaction on other industry actors' response to the MUP	Producers of high-strength alcohol
Mixed	Industry actors who switched position on MUP during the debates	Trade Associations representing the off-trade retail sector

Source: Author

These perceptions obviously suggest that the industry was not homogenous and that the MUP offered a space for contestations of perceptions, which could have had negative implications for the collective legitimacy of the industry (Christiansen and Kroezen, 2016). However, this did not happen, which makes one to wonder why that was the case. The study finds that the industry actors used both discursive and relational strategies to manage and maintain their collective legitimacy, despite their contested and conflicting perceptions of themselves and each other. These strategies are further explored below.

8.3   Alcohol Industry Actors' Strategies for Managing Legitimacy

Applying van Leeuwen and Wodak (1999)'s discursive legitimation framework and Suchman (1995)'s legitimacy theory, the industry actors adopted two main broad strategies for managing their perception of legitimacy. One is discursive and the other is relational. Discursive strategies, as the name implies, draw from the use of language, while relational strategies draw from relationships, networks, and partnerships for social capital

development. The finding in this chapter suggests that industry actors used both discursive and relational strategies in a complementary fashion to uphold their legitimacy at the industry level. Whilst they used discursive strategies to avoid or minimise conflicts amongst themselves (i.e. avoidance strategies), they used relational strategies to attract/build relationships with each other beyond the MUP debate (i.e. attraction strategies), as highlighted in Table 9 and Figure 7 below. Avoidance strategies manifest through discourse, whilst attraction strategies manifest through relationship building. They collectively and complementarily enhance the alcohol industry legitimacy. These strategies are explored further below under the broad headings of 'discursive' and 'relational' strategies.

8.3.1 Discursive (Avoidance) Strategies

These strategies involve the use of language to avoid delegitimation. During the interviews, industry actors presented a balanced argument in ways that promote mutual respect. For example, they did not talk ill of each other, and their communication with one another was open, as demonstrated below. Secondly, although their perceptions of MUP, as a collective threat, varied, overall, they talked down the threat level. Finally, they communicated indirectly through their trade associations, which projected the perception of unity. The key theme uniting all three sub-strategies is *avoidance* and the outcome is a stable perception of each other. The industry actors avoided scenarios that would result to conflicts and collective reputational crises. These sub-strategies are explored below under the following headings – quality and balance of the debate (i.e. how industry actors rationalise the arguments they presented), industry sense-making of MUP as a collective threat (i.e. the narrativisation of events), and the role of the trade associations.

8.3.1.1 Quality and Balance of the Debate

During the debates and at the interviews, industry actors presented balanced arguments, which showcased their interests or points of view in an authoritative manner. They did not talk ill of each other and they were respectful throughout. For example, here are some

responses when participants were asked how they felt about other industry actors who had different views and interests to theirs:

> *erm [hesitation] I think they misjudged it. Most of the people that opposed MUP make their profits outside of Scotland and in other markets. Their stance was a mixture of they didn't want the Scottish Government bringing in a legislation that could be replicated elsewhere because it would reduce the demand for alcohol and they didn't like the concept as there was a health issue associated with alcohol so <u>that was their rationale. It is a perfectly legitimate rationale to have and I am not going to criticise it</u> erm [hesitation] but on a moral basis we took the view that they were wrong because it had a democratic support so, it was about self-interest and community interest (Participant 6 – beer producer).*

> *<u>I think on a matter like this there is a variety of perspectives and all the perspective are legitimate</u>. I haven't seen anyone in the industry not motivated by positive intent to reduce alcohol misuse. <u>No one in the industry will say we will hold a negative view of others</u> who genuinely motivated to do the right thing (Participant 7 – beer producer).[49]*

> *<u>[We] don't pitch ourselves against other trade associations,</u> that was their view and we represent different parts of the industry, so we all have different views (Participant 5 – retail trade association).*

The participants also noted that they communicated their intentions to one another, promoting a free flow of ideas, reducing elements of surprise, and keeping the channel for future collaborations open.

> *we were pretty clear about how we communicate with other people; we say this is where we are going, we shared press comments with other groups (Participant 3 – retail trade association).*

> *We work with the industry to make sure those in support were saying similar things to us. We presented a joint letter from the CEO at the time which was signed and sent to the government (Participant 2 – trade association).*

> *The key thing is understanding why some of them came to this position. It's all about minimising surprise, you don't have to agree with them as long*

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[49] It is worthy to note that both Participants 6 and 7 are from the same industry sector i.e. producer company and both manufacture low-strength alcohol products, but their views are dissimilar.

you know what they are going to do and why, and that's a good way to maintain relationships (Participant 5 – retail trade association).

Every member is entitled to their opinion and the fact that they disagree with each other does not mean they cannot work together (Participant 8 – beer producer).

The ability to communicate clearly, authoritatively, and convincingly are strategies for maintaining both pragmatic and moral legitimacy, which reflects a positive normative evaluation of the organisations and their activities (Suchman, 1995). Some industry actors (i.e. producers) represented themselves during the debates as well as being represented by their trade associations. During the interviews, some trade associations talked about the importance of open communication amongst industry actors and the benefits of presenting a unified front with members from the same sector putting forward a submission to the consultation and participating in the debates. This shows strength in numbers and could persuade policy actors positively. As one trade association representative stated, "as a trade group it was helpful when members put in a submission and lots of time, they will be making similar arguments <u>but sometimes it is added weight</u>" (Participant 3). This strategy, according to Suchman (1995), helps industry actors to stockpile legitimacy and maintain interconnections. Industry actors perceive each other's views as legitimate. This is what van Leeuwen and Wodak (1999: 150) referred to as legitimation by utility of the social practice – i.e. instrumental rationalisation – and this arguably contributed to maintaining industry cohesion despite the structural and linguistic cleavages identified.

8.3.1.2   Industry's Perception of the Nature of MUP Threat

MUP, as a government Bill, is aimed at tackling alcohol misuse and associated problems, and by nature, it may come across as a potential collective threat to the industry. The findings from this study suggest that industry actors present a narrativisation[50] account on the perceived collective threat levels of the MUP debate. Their stories, as told during the

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[50] Narrativisation as a legitimating strategy, supports other types of legitimation, such as authorisation and rationalisation (Vaara et al., 2006).

interview on the threat level of MUP, were mixed. However, as much as possible, they tried to talk down the threat. Overall, they provided evidence of acceptable, appropriate, or preferential behaviour (van Leeuwen and Wodak, 1999). For example, the narrative presented in the extracts below implies that MUP is not a collective threat to their business or those of their members, as it would benefit them financially.

> *Our position I guess we could see that it <u>would benefit our business.</u> We could also see some concerns around several different areas (Participant 1 – whisky producer).*

> *I think it is not a major threat. For us the concern was telling us how to set prices on alcohol (Participant 3 – retail trade association).*

> *is not an <u>existential threat</u> it is just something the industry has to adjust to (Participant 5 – retail trade association).*

From the extracts above, industry actors are seen to talk down the threat level. Their concerns stem from "excessive government interference on pricing" and the lack of evidence on the effectiveness of MUP (Participant 3). Industry actors who acknowledge that the MUP is a threat, focus on the threat level on individual products, for example, the threat posed by MUP on scotch whisky, which is said to lie with the uncertainty of the effect on the product in the global market (Participant 1). Another participant added MUP is:

> *a threat in total level of consumption. The modelling that was done by Sheffield University erm suggested it will reduce consumption by anywhere up to 10% so it's a threat to total consumption. It is a threat to certain type of alcohol and it's a threat to alcohol sold at very low prices (Participant 6 – beer producer).*

The extract above by Participant 6 represents an example of a negative narrativisation. A negative narrativisation in this case is the acknowledgment that MUP is a threat to total consumption and certain types of alcohol. The impact of these on the organisation is their subsequent actions/response and their perception of own legitimacy (see Nix and Wolfe, 2015 on the impact of negative publicity on the self-legitimacy of the police). From the extracts on page 183, section 8.3.1.1 above, Participant 6 is defensive of their organisation's position as evident through their hesitation: "… erm [hesitation] but on a moral basis we

took the view that they were wrong because …". Nevertheless, Participant 6 still perceives its organisation as legitimate, but by accepting that MUP is a threat to total consumption, the industry actor admits that their legitimacy is being threatened and justifies their actions, which were to support MUP (i.e. conforming to ideals – a strategy for gaining moral legitimacy) and stating: "it [MUP] had a democratic support". The 'democratic support' in this case stems from the fact that Alcohol MUP was part of the SNP manifesto commitment to tackle alcohol abuse and that the public voted the SNP into government on the merit of their manifesto (see Scottish National Party Manifesto 2011; The Scottish Parliament, 2011: pg. 2116 and 9444).

Another industry actor speaking on the threat levels of MUP challenged the MUP Bill stating: "the industry saw the bill as an unproven method with no justification and incompatible with the law" (Participant 7). This gives the impression that as long as the industry actors perceived the law to be on their side and the MUP Bill incompatible with the law, the Bill is not a threat as such. van Leeuwen and Wodak (1999: 104) refer to this as "legal authorisation". Legal authorisation, is reference to a legal document or law, and in the case of MUP, the industry actors made reference to the UK and European Competition laws (under Article 28 of the EC Treaty: "Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States) and the World Trade Organisation (WTO) rules (see written submission to the HSC by Diageo, pg. 3; SABMiller, paragraph 23 and WSTA MIN93 paragraph 1.9).

Participant 4 presented a mixed view of the threat level of MUP stating:

> *It is too early to take a view of the threat to the industry, the threat to the scotch industry remains overseas, not at home. I don't think it's a big threat to whisky domestically because all drinks are affected (Participant 4 – trade association).*

The perception of MUP as a collective threat to the industry was neutralised and downplayed by Participant 8 who affirmed that MUP is a single issue and the industry has several other issues to think and deliberate on, and not agreeing as an industry on MUP does not mean

every other aspect of the industry stops working. MUP is not a big enough threat to topple the industry because the industry has been in existence for many years and the industry is used to regulations being imposed on them. This view was affirmed by Participant 5:

> *So, it is [MUP] not a huge area of conflict, we have difference with people, but we don't fall out about it as it is a legitimate point of view (Participant 5 – retail trade association).*

The ability of the industry actors to talk down the perceived threat may have prevented the deinstitutionalisation of the industry (see Piazza and Perretti, 2015; Vergne, 2012). Coincidentally, this talking down of the threat was not only done by the industry actors. The fact that the MSPs were also sucked into this line of thinking confirms the success of the strategy in avoiding delegitimisation. When the MSPs were asked about their views on the threat level of the MUP, their opinions were also mixed:

> *erm, No. I don't think it is [a threat]. It is however a threat for manufacturers particularly the ones that make the cheap drinks. The premium products have nothing to fear (MSP 3).*

> *I wouldn't say there was no threat but on balance, it was felt the benefit on health far outweighs any threat to the industry (MSP 2).*

> *We did say that we think that introducing MUP that the industry would be damaged, our reports suggested that we could control the abuse of alcohol without damaging the industry and that has been proven (MSP 1).*

Even though MUP was perceived to be a threat by MSP 3 for manufacturers of cheap drinks, the MSP quickly neutralised the threat level by stating that the "premium products have nothing to fear". The second and third extracts above, the MSPs rationalise the threat level of MUP, with MSPs 1 and 2 stating that MUP was not perceived to be a threat to the industry and that the high-strength alcohol producers "had record-breaking figure since minimum pricing has been introduced" (MSP 1) and MSP 2 rationalising his views based on health benefits of MUP.

8.3.1.3 The Role of Trade Associations in Protecting and Unifying the Industry

The trade associations play a huge role in unifying the different sectors of the industry they represent. They shield their members from public discourse and thus save them the dangers of reputational and legitimacy damage. This is a clear avoidance strategy. When industry actors were asked why they did not feature a lot during the debates the responses recorded ranged from trusting their trade representatives to keeping a low profile in order to minimise reputational backlash. As one industry actor put it:

> *We kept our heads down (laughs) we let the [trade association] make the arguments on our behalf, so we stayed very quiet and let the [trade association] run the debates with the government and all other public messaging. There is nothing to be gained by us talking in public and making lots of noise in public and the association is very well equipped to do that on our behalf that's why we are members and we are happy to let them do all that work for us (Participant 1- whisky producer).*

Participant 1 stated that from the company's perspective, because they were not visible during the debates, they were not in the media, and they had not suffered as a business. Participant 1 acknowledged that, at the industry level, their trade association suffered a little bit of reputational damage, more so from the government than from the consumers. Their trade association took the bullet on their behalf.

Another trade association representative that was interviewed stated that their members had confidence in them and did not need to make personal representations during the debates because "where the retail industry interests are aligned as a whole, we can represent them" (Participant 3). Taking a step back away from the public is a self-preservation strategy for managing pragmatic legitimacy, as the action benefits the organisation (Suchman, 1995). Participant 3 went on to state that their members trusted their judgement and gave an example of events that happened around the time of the implementation of MUP.

> *During the time of implementation, you see very few references to individual retailers in the media and an awful lot of reference to the trade*

associations, that was because our members encouraged journalists to speak to us because the issues discussed were trickier and there was a higher risk to their [members] reputation. Our members were confident in our position as a trade group and how we represented them. We [the trade association] don't have the same kind of reputational risk that retailers would have, and it would look like they [our members] are obstructing or specifically tied into the MUP stuff (Participant 3 – retail trade association. Emphasis added).

Another trade representative stated that their members were 100% in agreement of how they were represented (Participant 4). The trade associations – for example, the SWA who spearheaded the court action against the government, according to another interviewee – suffered some reputational damage, as highlighted in the extract below:

[…] the SWA reputation took a hit within the political arena primarily and maybe a tiny bit with the population as a whole (MSP 1).

During the interview, Participant 4 noted that they recognise that other actors "had a legitimate interest to serve" but the relations "remain relatively good". This show of mutual respect for the other industry trade associations position contributes to their overall legitimacy, as it gives a sense of industry cohesion.

The findings, so far, suggest that industry actors used some avoidance strategies to maintain their legitimacy and industry cohesion. These strategies were mainly discursive and in line with the literature on discursive legitimacy (van Leeuwen and Wodak, 1999). The section below explores how the industry actors also used relational strategies complementarily to foster their cohesion and legitimacy.

8.4 Relational (Attraction) Strategies

This is the second broad strategy observed from the interviews with industry actors. Relational strategies consider how business relations amongst industry actors and industry actors' relationships with the government contribute to maintaining and stabilising the cohesion and legitimacy of an industry (see Liedong et al., 2014; Chizema et al., 2015). These

strategies are used to attract and develop social capital and capabilities (see Lorenzoni and Lipparini, 1999; Lechler et al., 2019; Friday et al., 2018). Business relations enhance trust and social capital, which in turn validates the legitimacy of each party in the relationship, as industry actors work together to produce outcomes to conform to societal needs and gain pragmatic legitimacy (Suchman, 1995). The relationships industry actors build with the government through platforms such as SGAIP and the UK Government PHRD alcohol partnerships help to realign the industry to societal expectations, and they gain moral legitimacy in the process (Suchman, 1995). First, I examine the business relations between industry actors, and then the relationship between industry actors and the government, and how these fosters collective legitimacy.

8.4.1 Business Relations and Inter-dependency

Despite the intra-industry cleavages and issues around trust observed during the MUP debates, industry actors still find common grounds and continue to collaborate. This ability to continue to collaborate confers legitimacy by endorsement on each participant (see Deephouse et al. 2017) This could be attributed to the ongoing inter-personal relationships, which predate the MUP and this creates a sense of industry cohesion. During the interviews, some of the representatives of the trade associations stated that they collaborated with other trade associations during the MUP consultation:

> *we knew each other very well and we recognise that we were having to represent our members in different ways reflecting the fact that memberships did take different positions, but our working relations with the trade bodies remained excellent. What we do share is that we should all be working jointly on the question of alcohol abuse even though we didn't agree on MUP (Participant 4 – trade association).*

> *We do work together through the SGAIP. MUP has not been a huge contention, it's just part and parcel of the situations (Participant 5 – retail trade association).*

We had a joint submission on erm MUP with another trade group and we tend to do that on several alcohol policy issues (Participant 3 – retail trade association).

Most industry actors identified as members of SGAIP and other groups working towards reducing problems associated with alcohol and this helps foster industry cohesion. It is however unusual for industry actors to disagree, as stated by Participant 3: "we always work across a pretty broad spectrum of issues so there are some areas where we all agree and where we have medium disagreement". Participant 1 stated that future collaboration is not affected by their disagreement on MUP because they have business relations and that they trade with other producers on-trade division. Participant 1, who is a whisky producer, added "It is much more or less like understanding why you agree with them and what kind of partnerships or alliance you can form around it or what actions you can take or other areas you agree" (Participant 1). Participant 6, a beer producer, also acknowledged the role of business interests in furthering industry connectedness amidst the differences between industry actors stating that they will "happily work [i.e. trade] with rival producer companies in future". The lack of cohesion on a policy issue does not necessarily mean a total lack of cohesion; it is just a point of view. Suchman (1995) referred to this as "stockpiling interconnections; a strategy for maintaining cognitive legitimacy.

The ongoing industry collaboration during and after the MUP debate can also be seen through how industry actors talk about their collaborative work on their website and in the annual or corporate reports. Some industry actors, following the MUP debates, indicated that they continue to fund the Drinkaware Trust[51]. For example, the Edrington Group, in its 2014 annual report, stated that they have "consistently promoted responsible consumption both independently and through partnerships through the Drinkaware" (Edrington, 2014). Tennent Caledonian, in their 2018 annual report[52], stated that they continue to support the

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[51] The Drinkaware trust is an independent and a common purse where industry actors contribute money for financing projects aimed at combating alcohol problems (Baggot, 2006).
[52] The report also stated that they discontinued their membership with 4 trade bodies - the Portman group, the BBPA, Mature Enjoyment of Alcohol in Society (Ireland) and the Alcohol Beverage Federation of Ireland.

Drinkaware Trust and the SGAIP initiatives (C&C Group, 2018), and have ongoing collaboration with suppliers and customers like Tesco and Asda in their delivery of goods to minimise their carbon footprint (C&C Group, 2019 annual report).

Diageo, in their 2014 annual report, stated that they formed a global alliance with 13 other beer, wine, and spirit producers in 2012 (the early years of the MUP debates) (Diageo, 2014). Their alliance's commitments include reducing underage drinking; strengthening and expanding marketing codes of practice; providing consumer information and responsible product innovation; reducing drink driving; and enlisting the support of retailers (Diageo, 2014: 19). Diageo went on to state that all the signatory companies pledged to ensure that progress in implementing the commitments is transparent and independently assured. This partnership was also mentioned in their 2017 annual report, signalling ongoing collaboration between members of the alliance amidst the MUP crisis. The partnership commitments ended in December 2017, according to Diageo's 2019 annual reports, but the signatory companies remain committed to the spirit of the five commitments and the ten action areas (Diageo, 2019). Maintaining/building reputation was a constant theme throughout Diageo's 2014 annual report.

Industry actors continue to work collaboratively through their trade bodies on issues of joint interest. For example, the BBPA continues to campaign for better rates for pubs, beer duty reduction, developing a customer unit awareness campaign for the on-trade in partnership with Drinkaware, and implementing Challenge 21 through the pubs (BBPA 2014) and the SWA continues to campaign for fairer excise duty for scotch whisky (SWA, 2017). This section of the findings moves on to examine the partnership between industry actors and the government as a relational strategy.

The reason given was so that the organisation can achieve greater efficiency for their responsible drinking programmes by focusing their efforts and working directly with their customers and consumers (C&C Group, 2018). The underlying reason for this dissociation could be due to the lack of consensus with other members of the trade bodies for example the BBPA. The BBPA in their written submission stated that their members lacked consensus on the MUP issue.

8.4.2 Government and Industry Partnerships

The Scottish Government and the alcohol industry have maintained good relationships, irrespective of their differences over policy issues. Through the SGAIP platform, industry actors forge relationships and work together with the government and other alcohol stakeholders. The Scottish Government still sees the alcohol industry as legitimate, as already noted in introductory section of this chapter (see extracts from Cabinet Secretary). When asked about government relationship, the trade representative for whisky producers replied:

> *[We] work extremely closely with the government across a very wide range of issues […] It was the issue of MUP where there was the real, serious difference, but I do not believe that that have deteriorated the relations with the Scottish Government (Participant 4 – trade association).*

As earlier stated, government ministers during their parliamentary debates and the interviews stated that they would continue to work with the industry. Participant 7 acknowledged this partnership stating that "the alcohol industry in the main, is thought to be a partner to government in dealing with harms". Participant 8 added that they still collaborate with the government and that the government needs the industry to implement any policy set out. This implies that the participants see their organisation and the industry as key stakeholders the government cannot do without if they are to achieve their aims on alcohol harm reduction. The alcohol industry actors forming partnerships with the government is an example of conforming to demands by co-opting constituents to build reputation, a strategy noted by Suchman (1995) for gaining pragmatic legitimacy.

Participant 5, representing the retail trade association from the extract below, stated that their actions following the court ruling helped their members' reputation and enhanced the failing relationship the retail sector had with the Scottish Government following the debates.

> *I don't have a strong sense that it has damaged our reputation because we put a lot of effort into it, in fact, <u>we developed a partnership with the government</u> to make sure that it [MUP] was going to be implemented*

smoothly and that our members complied with it, I think from that point of view it probably strengthened our credibility and reputation with key stakeholders, the government and local authorities (Participant 5 – retail trade association).

From the extract above, Participant 5's organisation is said to have conformed to demands and ideals (Suchman, 1995) by choosing to work with the Scottish Government. This is a strategy for gaining pragmatic and moral legitimacy because it responded to societal needs and produced proper outcomes, which helped to align the organisation to the Scottish Governments' intentions and thus the societal needs. Partnership with the government and industry is said to have its benefits (Baggot, 2006). As noted above, industry actors acknowledge their involvement with the SGAIP and the PHRD. The SGAIP covers industry partnership schemes such as BBN, BID, CAP, PASS, Pubwatch, and Purple Flag. As part of the PHRD pledge A7(a), alcohol industry actors pledged to "provide support for schemes[53] appropriate for local areas that wish to use them to address issues around social and health harms, and act together to improve joined up working between such schemes operating in local areas" (DOH, 2011b; Hadfield and Measham, 2014; Knai et al., 2015). These schemes however remain active and Tennant Caledonian in its 2018 annual report stated that they recently joined the BBN scheme (C&C Group, 2018: 43). The Edrington Group in their 2018 annual report stated that they continue to honour their pledges[54] under the PHRD and continue to fund the BBN scheme (Edrington, 2018).

In addition to partnering with the SGAIP and PHRD, Diageo stated that they embarked on a two-year partnership with the UN Institute for Training and Research (UNITAR) in their 2017 Addendum to the Annual report. The partnership aims to reduce death and injuries from traffic accidents in more than 60 countries, with a focus on those with the highest road traffic death rates (Diageo, 2017). Diageo also co-hosted a women's empowerment 'round table' with the UK Government, peer companies, and NGOs in February 2017. They also convened a conference in March 2017 with peers and the civil society on how smallholder farming

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[53] These schemes are replica of the SGAIP scheme already discussed above in Chapter 2 section 2.5.1.
[54] For example, "over 99% of back labels in the UK now carry a responsible consumption message" (Edrington, 2018).

collaboration could improve social, economic, and environmental considerations (Diageo, 2017).

These affiliations and schemes industry actors identify with are thought to increase the positive perceptions of the sponsors (Yoon and Lam, 2012) and confer legitimacy (Giesbrecht, 2000). The ability of the industry actors to continue collaborating with the government and with one another is evidence that the cleavages observed during the MUP debates did not affect their ability to work together, and confers legitimacy based on positive endorsement of each other within the organisational field (Deephouse et al. 2017).

Table 9: Summary of industry actors' strategy for avoiding delegitimation

Strategies	Dimensions	Outcomes
Avoidance	They don't talk ill of each other	Preserve intra-industry relationship
	The talk down the threat	Realign the industry to societal norms
	They talk indirectly through the trade associations	Promote the perception of cohesion Preserves the reputation of individual business
Attraction	They collaborate with each other	To build social capital To produce proper outcome which conforms to societal needs
	They partner with the government	To realign the industry to societal norms

Source: Author

Figure 7: Diagram showing the relationship between industry strategies and industry legitimacy
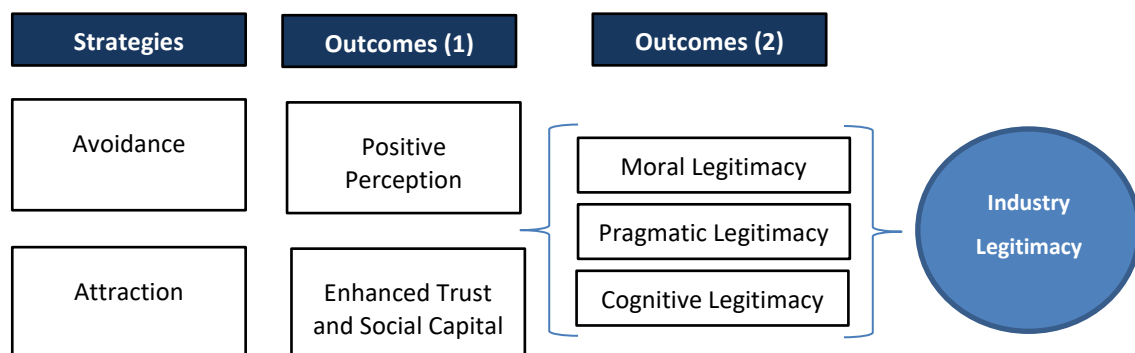
Source: Author

In line with Suchman (1995)'s legitimacy theory, it was observed that the alcohol industry actors adopted both proactive and reactive strategies in response to increased regulative threats associated with MUP. Industry actors opposed to the MUP Bill from the texts analysed are seen to adopt a more reactive strategy, and supporters adopt proactive strategies. The proactive and reactive strategies observed are summarised in Table 10 below and Table 11 shows the different legitimisation strategies portrayed by industry actors on the different sides of the MUP debate.

Table 10: Summary of reactive and proactive strategies adopted by industry actors

Reactive	Proactive
Enhancing the legality/illegality of MUP narrative	Participation in the consultation process (a form of lobbying)
Putting up a legal challenge against the government (a form of delay tactics)	Emphasis on on-going government partnership, CSR activities, and achievements on the pledges made through the PHRD
Emphasizing the lack of evidence on the effectiveness of MUP and lack of evidence linking price and misuse	Guarding access to internal industry documents and potential research on the harmful effect of alcohol
Calls for more evidence to be provided (a form of delay tactics)	Selectively using research evidence to their favour
Citing mistakes in the Sheffield Study and emphasizing on conflicting messages uttered by government officials, for example, the public health Minister Anne Milton's utterance on the illegality of MUP (marginalization tactics)	Sponsorship of research and promoting results from such research as evidence
Blaming the consumers for irresponsible use of their products and not the product itself (blame passing/deflection tactics)	
Blaming one another for the cause of alcohol problem (evidence of cleavage)	
Increased focus on individual responsibility and promoting personal choice (blame and deflection tactics)	

Source: Author

Table 11: Legitimising strategies adopted by industry actors

| Legitimacy type	Opposition actors	Supporters
Pragmatic	Conform to demands by responding to needs. Select the market by locating friendly audiences. Allaying constituent concerns by denying the existence of problems. Image and product promotion through	Conform to demands by responding to needs and reputation building, and image advertising. Protect exchanges by communicating honestly. Reputation building through self-advertising.

Legitimacy type	Opposition actors	Supporters
	advertising.	
Moral	Select domain by (re)defining goals Manipulate the environment by persuading select consumer groups. Monitor ethics by consulting professions. Protect propriety by communicating authoritatively and stockpiling esteem. Present normalizing account by excusing/ justifying their position.	Protect propriety by communicating authoritatively and stockpiling trust.
Cognitive	Provide normalizing account by explaining.	Not applicable.

Source: Author

8.5 Summary

This chapter addresses the question on how the alcohol industry actors discursively confer legitimacy on each other despite their cleavages. The actions of and language used by the alcohol industry actors in their consultation submissions, during the oral evidence sessions and at the interviews, may have contributed to preserving the legitimacy of the alcohol industry. This chapters identifies the two key strategies – discursive and relational strategies – as strategies which may have contributed to maintaining the collective legitimacy of the industry. Industry actors' perception of each other were sometimes positive, negative, or mixed, and this was observed to be sector-dependent and also dependent on their position in the food-chain so to speak i.e. how powerful or economically relevant they are and their level of dependency. These perceptions, the management strategies adopted, and the anticipated outcomes are captured and summarised in Figure 8 below.

Figure 8: Summary of how industry actors mitigated against delegitimation
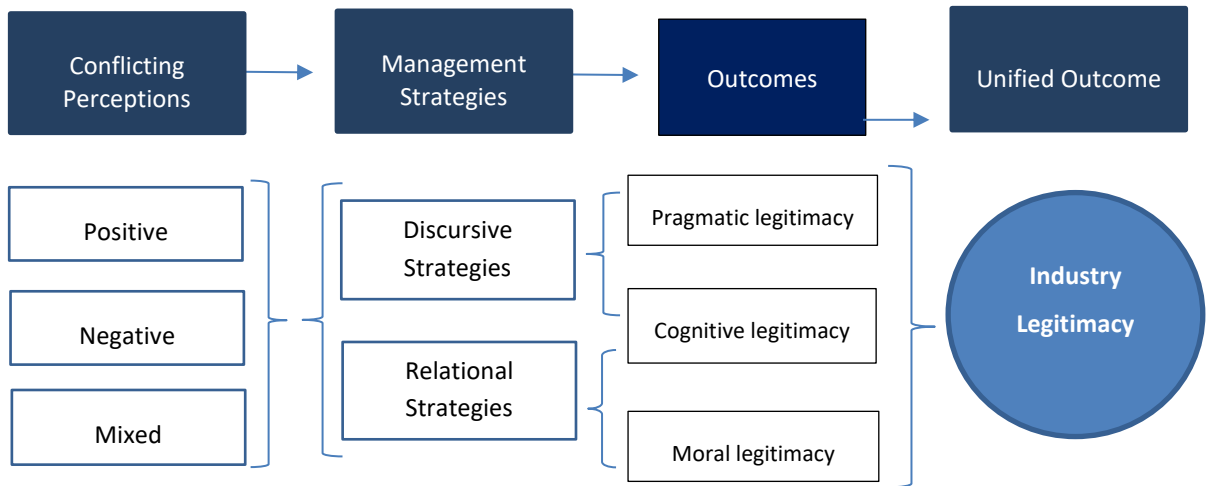
Source: Author

CHAPTER 9.   DISCUSSION

9.1   Introduction

This thesis set out to understand how alcohol industry actors interacted with policymakers and between themselves during the MUP policy consultation, the frames they used, the cleavages that emerged within the industry, and how the strategies adopted by both alcohol industry actors and policymakers to prevent the delegitimisation of the Scottish alcohol industry. The focus is on the language frames used during the consultation process. Language, as already established in Chapter 2 of this thesis, is important for everyday communication, and it needs to be understood and interpreted. However, language interpretation is subjective and context-dependent (Leeds-Hurwitz, 2009; Berger and Luckmann, 1966).

Language is used not just for communication but also to make sense of the world, command authority, and to impress their ideas upon others (Leeds-Hurwitz, 2009). They also use language to frame and influence actions. Frames provide a viewpoint that can help policymakers and individuals understand an issue (Van Gorp, 2010). As such, frames are usually used in policy formulation processes as linguistic devices to influence, shape, and elicit public support. Language is critical to framing, and has been explored in the literature on alcohol policy process and the alcohol industry, but further exploration is required in the areas of industry cleavages and industry quest for maintaining legitimacy.

Drawing from frames as linguistic devices, this thesis identified four frames – i.e. (1) economy frame; (2) legitimising/socially responsible frame; (3) evidence-based/scientific frame; and (4) unintended consequences frames. These frames are said to be socially relevant as they can help to understand the challenges of alcohol in Scotland and MUP, as a mechanism for curbing harmful alcohol consumption and the associated harms. In order to understand the alcohol industry actors' use of frames, this thesis reviewed the available literature on framing

and the alcohol industry actors' use of frames. The identified gaps in the literature informed the research question of this thesis.

One of these gaps is the low attention paid to how cleavages, as a frequent strategy used by industry actors in the policy formulation process, are discursively constructed and enacted. The review identified that although alcohol industry actors used the same frames (for example during the MUP debates), their presentations were different and positioned the industry actors on opposite sides of the ongoing debates (Holden et al., 2013; Katikireddi et al., 2014a). This is a gap that is worthy of further exploration. Another gap is the seemingly inadequate attention paid to frames as legitimating devices. As such, an additional literature review on organisational legitimating strategies was conducted. These gaps informed the research questions which linked framing and cleavages observed to industry actors' legitimation strategies.

Intuitively and empirically, cleavages would normally impact negatively on the cohesion of an industry (see Christiansen and Kroezen, 2016) and therefore are capable of adversely affecting their legitimacy, by undermining their ability to organise themselves against threats (Barnett, 2006). Despite the cleavages between the alcohol industry actors, their legitimacy was not affected, nor did it affect their ability to collaborate with each other in other ways or with the government. This thesis argues that the maintenance of this collective legitimacy can elude the previous structural approaches to studying cleavages (Holden et al., 2012; Christiansen and Kroezen, 2016; Buckton et al., 2019) because the cleavages are being viewed discursively.

This chapter brings together and discusses the findings of this thesis in relation to the research questions that the thesis sets out to answer and the wider literature on alcohol policy, the alcohol industry, cleavages, and legitimation strategies.

Overall, the key findings of this thesis can be summarised as follows:

1. The literature review on the alcohol industry actors' use of frames suggests that the alcohol industry actors' frames highlight the differences amongst industry actors. In addition, frames have not been studied in relation to their use as legitimisation tools.

2. The literature on the industry actors' influencing strategies for alcohol policy suggests that industry actors use language (frames) in addition to their CSR activities for reputation management. This thesis observed strategies similar to those identified in Suchman (1995)'s works on "Managing Legitimacy: Strategic and Institutional Approaches" in the language used in the consultation submissions.

3. The literature on cleavages and the alcohol industry is sparse. This thesis' findings suggest that cleavages between industry actors go beyond the structural and functional boundaries to reveal intra-sectoral divides based on interests. Cleavages are evident in the language/frames used by industry actors, based on their business and perceived societal interests. Thus, cleavages can be better understood by examining the discursive components of frames.

4. Cleavages within an industry are thought to impact on the industry's collective legitimacy and their ability to organise (Christiansen and Kroezen, 2016). This thesis finds that the collective legitimacy of the alcohol industry was not affected despite the differences within the industry. Their legitimacy was not damaged as a result of the discursive legitimation strategies adopted by both the industry actors and the policymakers during the policy deliberation.

5. Cleavages between alcohol industry actors are not big enough to result in delegitimisation, as long as the industry is economically viable and the effect of its products on the consumer can be managed.

Having summarised the key findings of this thesis, this chapter presents the empirical and theoretical contribution of these findings.

It is worth noting that the study by Hawkins and McCambridge (2020a) considers the level of advocacy work carried out by industry actors (i.e. the SWA), first at the UK level then at the EU level; although this is not focus of this thesis, it shows that industry actors who

support the MUP and yet not challenging the activities of the SWA were silent partners to their quest. The lack of open confrontation amongst industry members support the hybrid-frame model and perhaps contributed to preserving the industry's legitimacy.

9.2   Empirical and Theoretical Contribution to the Literature

Frames involve the use of language and have been treated as a standalone influencing strategy in literature. Although many frames have been identified to be used by alcohol industry actors in the literature (see Anderson and Baumberg, 2006; Casswell, 2013; Hawkins and Holden, 2012; Holden et al., 2012; Yoon and Lam, 2012; Drummond and Chengappa, 2006; Hawkins et al., 2012; McCambridge et al., 2013), they are rarely used to identify industry cleavages in the policymaking process – for an exception, see Holden et al. (2012). One thing central to the above industry actors' influencing strategies is language, which the literature is yet to explore fully. Nevertheless, a few scholars like Hawkins, Holden, McCambridge, and Katikireddi and colleagues have started this conversation, and this thesis builds on these works by exploring the potential of frames as a legitimation tool. Notwithstanding, Holden et al. (2012) and Katikireddi et al. (2014a) have advanced this discussion on frames and the alcohol industry by identifying the presence of cleavages and examining the differences in the frames that the different sectors of the alcohol industry sponsor. Their works classify cleavages based on the function/ structure of the industry they belong to. For instance, Katikireddi (2013) and Katikireddi et al. (2014a) studied how changing the policy framing by public health advocates helped prioritise public health considerations of the MUP policy. The authors identified the presence of cleavages within the alcohol industry actors through the frames they championed. Industry actors in favour of MUP, according to the authors, adopted a 'hybrid framing', which is said to have maintained several parts of the critical frames used by industry actors who opposed the MUP policy. Katikireddi et al. (2014a), in discussing the alcohol industry actors and the differences in the frames they sponsor, they categorised the actors based on their function, as producers and retailers. This thesis builds on and extends this body of works by offering a discursive

approach to understanding industry actors' differences based on their interests, which are reflected in the frames used, and explores the potential of frames as a legitimating tool. Frames can therefore be seen as a means of lobbying and categorising industry actors' cleavages. This could be seen as a significant contribution to the literature given the apparent lack of similar findings in the literature.

Linguistic-based cleavages go beyond the structure or function of the industry actors. By analysing the actors' responses using the linguistic approach, the division lines between industry actors based on their structure and function begin to blur out, and one can then appreciate the diversity in the industry actors' positions on the Bill. The linguistic approach to understanding cleavages teases out the subtle differences in the frames used jointly by industry actors. Anglin et al. (2000), writing about how frames are depicted in the media, identified that actors on opposing sides used similar frames, but the thrust of their discussion was different (see also Katikireddi et al., 2014a). This thesis supports Anglin et al. (2000) and Katikireddi et al. (2014a)'s conclusions on the similarities between frames evoked by industry actors with opposing interests. In analysing industry actors' frames linguistically, industry actors like Molson Coors, who opposed the MUP Bill, appear to side with the government on the issue of maintaining social calm. A discursive analysis enables such similarities in industry actors' interests to be teased out and develops our knowledge of cleavages. This thesis has been able to reclassify cleavages moving them away from the functional/structural approach to the discursive which focuses on their interests. In addition, the reactive social frames identified align with the work of Deegan (2006), who stated that organisations facing delegitimisation are reactive and respond to crisis on an event-by-event basis, whilst linking those to wider issues.

This thesis goes a step further to examine the effect of intra-industry cleavages on the alcohol industry's legitimacy following the outcome of the MUP Policy debate. The literature on cleavages, organisational legitimacy, and its impact both in relation to the alcohol industry and in general is sparse. But we learnt from the literature that collective actions lead to legitimation (Barnett, 2006), that organisations that distinguish themselves and/or support

the government stand to gain favourable reputation (Deephouse et al., 2009), and that cleavages impact on collective legitimacy (Christiansen and Kroezen, 2016). The interview data indicated that the division within the alcohol industry on MUP helped strengthen the government's position (MSP 2) and the differing opinions from participants during the evidence session strengthened the consultation process (MSP 1). Thus, it can be said that the Scottish Government and policymakers capitalised on the cleavages amongst the industry actors and utilised the consultation process in order to mobilise stakeholders and implement pre-existing set of policy aims (see Sturdy et al., 2012).

This thesis found that alcohol producers were divided on MUP policy, based on their product offerings (i.e. high strength or low strength), and the retail sector was divided based on their function as either on-trade or off-trade retailers. The trade associations that represented companies with different interests and products were reported to have had problems reaching a consensus on the MUP policy (see Holden et al. 2012). For example, the BBPA/SBPA members did not have a uniformed voice on MUP and their submission indicated a deep rivalry between their members and with the producers of high strength alcohol products. Despite the rivalry between their members, the BBPA/SBPA as an organisation, chose to oppose the MUP policy. This move is simultaneously expected and unexpected. It is unexpected in the sense that its members comprise of brewers and pubs whose products and business are least likely to be affected by MUP. It is expected because of one of its lead members, Diageo, an MNC which has a mixed product portfolio comprising of beer, spirits, and wine and is also a lead member of the SWA who strongly opposed the MUP Bill and took the Scottish Government to court. Diageo continues to assert itself as a leading actor within the UK alcohol industry and the UK alcohol policy. Conversely, the SWA represents whisky producers and they had a unified view on the MUP policy. The cleavages observed from within the trade associations, were mainly as a result of clashes between the pro-business interests of the individual companies, and this has been reported in the works of Holden et al. (2012: 6). This thesis acknowledges the work of Holden et al. (2012) and suggests that the power imbalance amongst members of the SBPA/BBPA could have been the reason why

Tenant Caledonian chose to exit the group (see footnote 52 above). Other trade bodies who supported the Bill, for example the SLTA, displayed a mix of pro-society and business interests. The SLTA as the trade body for on-trade licences, has always campaigned for a level playing field in terms of alcohol pricing with the off-trade in an attempt to reduce pre-loading, encourage the patronage of on-trade licences, and stop the closure of pubs and subsequent loss of jobs within the sector. The SLTA interests can be argued to be a move to halt the deinstitutionalisation of the alcohol industry. Deinstitutionalisation in this case is as a result of cultural-cognitive pressure and comes in the form of a decline in numbers of pubs and an increased focus on alcohol harms (see Christiansen and Kroezen, 2016; Suchman, 1995).

The outcomes of the MUP debates and the cleavages observed suggest that frames used by alcohol industry actors can reinforce existing preferences amongst MUP policy advocates rather than help to form new attitudes or change old ones.

The empirical work of Vaara and Tienari (2008) on how corporations legitimise their decisions highlights the inherent politics of legitimation. The authors advised that future studies should pay attention to the textual strategies employed by actors as this may enable one to appreciate how legitimacy is created and manipulated in texts. This suggestion is at the heart of this thesis. Through textual analysis, the thesis highlights how policymakers adopted certain legitimating strategies through their choice of words as expressed in policy texts to mitigate against the loss of legitimacy for the alcohol industry. However, these interactions expressed through texts can be interpreted as expressions of power (Habermas, 1975). This can be more pronounced in elite struggles as highlighted in this study. In this regard, it might be interpreted that the inability of cleavages to negatively affect inter- and intra-industry legitimacy could be a function of power balance/equilibrium between the elites (i.e. the government and the alcohol industry). It is possible that the result might be different in situations of unequal power (see Gramsci, 1971). Although this is not covered in this study, it is a suggested area for further empirical work.

Frame theory has been used in media studies, and in the study of industry and policy texts. This thesis combined frame theory and legitimacy theory to the study of the alcohol industry to understand the rationale behind the alcohol industry actors' use of frames in their response to the MUP consultation. The application of legitimacy theory is novel for two reasons. Firstly, to rationalise and establish a link with the use of frames as a legitimising tool, and secondly, it provides a basis for understanding how the Scottish policymakers, through policy debates, protected the legitimacy of the alcohol industry amidst the rising alcohol problems, which threatens the industry.

Legitimating strategies proffered by Suchman (1995), Vaara et al. (2006), and Luyckx and Janssens (2016), as well as the broader legitimacy theory literature, have been reported to be used by organisations to manage their legitimacy, present a positive image of their organisation, and to legitimise their corporate decisions. This thesis shows that these legitimating strategies can be used by legitimacy conferrers i.e. policymakers and the government to uphold or protect an industry from delegitimisation. The alcohol industry in Scotland is a viable business and continues to contribute to the Scottish economy, so it would be a disadvantage for the Scottish Government financially if they were to be stripped of their legitimacy. The use of legitimacy theory also extends the literature on strategies adopted by alcohol industry actors by showing that frames can be used strategically as a legitimation tool for collective legitimacy purposes.

This thesis brings together two different theories - frame theory and legitimacy theory - in a complementary manner in order to understand how the industry actors construct the world around them when their existence and business practices are under scrutiny. The application of legitimacy theory to the study of the alcohol industry extends the works of Christiansen and Kroezen (2016), Hawkins et al (2012) and other alcohol framing studies and studies on corporate influence on health policies.

The study by Christiansen and Kroezen (2016), for example, examined how the alcohol industry maintained its business practice through the use of business collective actions to address alcohol issues. These collective actions occur through the trade bodies and through

issue-based industry collectives (IBICs) (see section 2.4 above on PHRD, CAP, BBN and Challenge 21). Christiansen and Kroezen (2016) used institutional theory to explain how the alcohol industry shaped their environment in response to social issues attributed to their product. This thesis uses legitimacy theory to understand industry actors' use of frames during the Scottish MUP debates and the potential for the different positions adopted to be a strategy for collective legitimacy seeking and management. Alcohol industry texts are rarely interpreted through the lens of legitimacy theory. The combination of legitimacy theory and frame theory to understand the alcohol industry texts is novel and helps policymakers, the government, and other relevant stakeholders to understand the alcohol industry's framing of issues. Writing on collective actions aimed at maintaining an organisation's legitimacy, Christiansen and Kroezen (2016) found that the alcohol industry used IBICs for collective legitimacy. This thesis demonstrates that the different frames evoked by alcohol industry actors, irrespective of their different positions and the cleavages displayed, could have prevented the deinstitutionalisation of the industry. As such, they constitute a collective legitimation tool. This thesis supports a legitimacy explanation for industry use of frames during the MUP consultation process.

Barnett (2006) writing on organisations willingness to form collectives in the face of legitimacy threats, noted matured organisations form collectives quickly and break off to resume competitive action once the legitimacy threats passes. However, organisations at the end of their life cycle, don't bother because the benefits of collective actions are diminished. In the first results chapter, chapter 6, I noted that SABMiller despite being a brewer (although an MNC), opposed the MUP Bill unlike most other brewers. The reason could be that the organisation did not see any value in forming a collective with other brewers as the organisation was in the middle of a hostile takeover by Anheuser-Busch InBev and other rival brewers – Molson Coors.

9.3   Possible Policy Considerations and The Wider Utility of the Findings

The Scottish Government was the first government to ban smoking in enclosed public places (Scottish Parliament website, 2005; Katikireddi et al., 2014a), following the introduction of the Smoking, Health and Social Care (Scotland) Act 2005. The policy was later adopted in England, Wales, and Northern Ireland the following year. A decade later, the Smoking Prohibition (Children in Motor Vehicles) Bill was passed in December 2015 (Payton, 2016). Scotland was also the first government to introduce a lower limit for blood alcohol concentration in 2014 (BBC News, 2015). Now, the government has succeeded in passing the Minimum Pricing for Alcohol (Scotland) Bill. Following the policy trends in recent years it is anticipated that more policies would be introduced in the future on public health grounds.

The SNP can be said to have the political will to introduce the MUP policy as indicated during the interview with Participant 5. They had the backing of the Greens and the Conservative Party, with the lead political opponent being the Scottish Labour Party. The political cleavages between the political parties are thought to impact on the policy process but this is outside the scope of this thesis and the data obtained for this thesis may not be able to substantiate this.

Additionally, the lobbying power of industry actors on individual politicians at the Scottish parliament, or lack thereof, may have played a role in the policy outcome (see Hawkins and McCambridge, 2020a; Hawkins and McCambridge, 2019). The Scottish policy system is distinct from that in Westminster (Cairney, 2013), with fewer stages for the Bill to be passed and reduced opportunity for industry lobbying due to the multi-level governance style. The MUP debates in the Scottish Parliament became more of a political contest and the focus of the debate shifted away from the industry (producers, wholesalers, and retailers) to the substance (alcohol), and in other scenarios, shifted to the legal issues associated with pricing, competition law and international trade (see Hawkins and McCambridge, 2020b; Holden and Hawkins, 2016). As one MSP indicated during the interviews, "we were all trying to deliver

the best possible health benefits irrespective of our party differences" (MSP 3), and this could have contributed to upholding the legitimacy of the alcohol industry.

The Scottish Government needs to pay attention to the potential unintended consequences accompanying any policy initiative. Some suggested measures that could be put in place to counter or mitigate against the unintended consequences highlighted by industry actors in their submissions include - measures to discourage online alcohol purchase from other territories that are not currently under the MUP rule, the imposition of an import levy on online orders for alcohol purchases originating from outside of Scotland and a strict penalty for non-compliance with the introduced pricing strategy. Measures already put in place to ensure effective monitoring and evaluation of the success and/or failure of the policy include the MESAS evaluation and the sunset clause on the face of the Bill (Hawkins and McCambridge, 2020c).

From a public health perspective, the concern remains data collation, and measuring the effect of the MUP policy on consumption levels, and consumption patterns for the target group (harmful and hazardous consumers) at risk of alcohol misuse. The key metric here nevertheless is the reduction of overall population level harms, but this has the potential to over-generalise the effect of the policy and miss out data on the at risk group. Cairney (2008), writing on multi-level governance, stated that health advocates are better able to gain access and develop a close working relationship with politicians and civil servants. Public health advocates should seek opportunities to lobby Westminster to introduce MUP as this would address the unintended consequences related to cross-border and internet sales of alcohol from other countries of the UK where the MUP does not yet apply. They should also be prepared to tackle health inequality issues that make individuals from low-economic background prone to developing an unhealthy relationship with alcohol. This can be achieved by coordinated policy action across government department and levels of government (CSDH, 2008).

The ideas and claims made by industry actors – especially on the EU competition and single market law, state interference (freedom), and the idea of penalty on responsible consumers – have wide currency and prominence in the parliamentary debates. These ideas were championed by the Labour Party during the parliamentary debates and had more to do with political will power and inter-party cleavages rather than intra-industry cleavages. The interview data indicates that the Labour party was opposed to the MUP legislation as a party and had an alternative proposal which they felt was best suited for the government and the economy (MSP 3). The Labour party considered alternative legislation including the introduction of additional duties on drinks with high impact and caffeinated drinks like Buckfast. They sympathised with the aim but not the method (MSP 3). The findings of this thesis are relevant to policymakers and health advocates working on other issues (i.e. addictive or controversial industry's) and in other contexts. This thesis identifies other potential ways of perceiving frames as a corporate tool for legitimation, the politics of health policy, and the effect of cleavages on the policy process. In conclusion, the discursive approach to understanding cleavages has the potential to help diffuse the tensions associated with cleavages and mitigate against the loss of legitimacy from the policymakers, damage to industry cohesion and future collaboration between industry actors and policymakers in Scotland.

This thesis focused on MUP deliberations in Scotland and can be said to have an inherent geographical restriction which may make the applicability of the findings to less developed economies difficult, for example. The political ideologies at Holyrood Palace linked to the public health concerns in Scotland are different from that in Westminster, and the MUP discourse in Scotland contributed to the frames used in the response by industry actors. This makes the generalisation of the findings to other countries of the UK difficult. Nevertheless, the findings are relevant to policymakers. Policymakers need to understand that industry actors come with their own policy agenda to the negotiation table and would use every strategy available to attempt to influence the policy process. The findings of this thesis are relevant to policy researchers and researchers studying the addictive industry as it provides

a platform for future studies. This thesis can be extended by studying the internal dynamics of members of trade bodies and how decisions are reached. Also, the make-up of the parliamentary committees and their impact on industry actors' performance during the evidence session is also, worthy of further examination.

It is recognised that legitimacy theory has varying schools of thought. This thesis has focused on a particular strand of legitimacy scholarship (i.e. organisation studies-based legitimacy theory). This school of thought does not necessarily focus on power dynamics and relations amongst actors. There may be power dynamics amongst the actors studied in this thesis, although power relations are not central to the problematisation of this study. Nevertheless, it is suggested that future studies may want to explore this aspect drawing from the legitimacy theory literature by scholars following the Marxist ideology focus on hegemony and power dynamics between the elites and the masses (see Althusser, 1965; Gramsci, 1971; Habermas, 1975). It is anticipated that such approaches might offer some insight to further understanding of the alcohol policymaking space in Scotland.

9.4   Summary

Most of the alcohol producers that participated in the Scottish MUP debates are MNCs who have been in business for many years. They exhibit great deal of business rivalry, and most have undergone a series of mergers and acquisitions. The MNCs, in their submissions, often state the numbers of employees worldwide as opposed to country-level employees – the exception to this being Tennent Caledonian who recently expanded their business since becoming part of the C&C group. The off-trade retailers are classed as big companies. They have traded for many years and have multiple retail outlets. Like the producer companies, they state a total number of employees as opposed to the number of employees directly involved with alcohol sales. Information provided by all the industry actors signal that they are a successful business that contribute to the economic development of their resident countries. The producers and retailers that participated in the Scottish MUP consultation

engage in numerous corporate reputation management activities. The Table 12 below presents a summary of the contribution this thesis makes and evidence to support these.

Table 12: Thesis contribution and evidence

Contribution/ Gap	Evidence
Empirical	This thesis builds on, and extends the works of Holden et al. (2012) and Katikireddi et al. (2014a) on alcohol industry frames and intra-industry cleavages by offering a discursive approach to understanding frames as a lobbying tool. It goes a step further to examine the effect of cleavages on intra-industry trust and the industry actors' ability to organise themselves for collective legitimacy. The thesis finds that industry cleavages did impact on intra-industry trust, but the business relations over the years, and inter-personal relations amongst industry actors provided a cushioning effect, thus enabling the different sectors of the alcohol industry to continue to work together.
	The thesis extends the works of Christiansen and Kroezen (2016) on collective legitimacy by demonstrating that industry actors discursive and relational strategies, in addition to the actions of interest-based industry collectives (IBICs) and trade groups contributed to maintaining the collective legitimacy of the alcohol industry.
	It supports the works of Barnett (2006) on collective actions resulting to legitimation, Christiansen and Kroezen (2016) on the negative impact of cleavages on collective legitimacy, Entman (1989) frame theory on audience behaviour following an exposure to frames.
	Recommendation – future study may be required to understand the internal power dynamics of members within a trade body, the impact and management of cleavages and the decision-making process.
Theoretical	The thesis shows that frame theory and legitimacy theory can be used in a complementary manner to understand the alcohol industry frames during a policy debate.
	The thesis uses legitimacy theory to extend the literature on the alcohol industry strategies to show how intra-industry cleavages contributed to maintaining the industry's' collective legitimacy.
	This thesis extends the understanding of legitimacy theory by showing that the Scottish Government and policymakers as an external source of legitimacy can tap into the legitimacy theory principles as discussed by Suchman (1995), Vaara et al. (2006) and Luyckx and Janssens, (2016) to prevent the delegitimisation of the alcohol industry.
	This thesis supports a legitimacy explanation for industry use of frames during the MUP consultation process.
Policy process	It confirms the public health ideological trends of the SNP government in Scotland.
	The thesis identified the presence of political cleavages between the different political parties and suggests that these differences could have contributed to maintaining the alcohol industry's legitimacy.

Source: **Author**

CHAPTER 10.   CONCLUSION

10.1 Introduction

This chapter summarises the thesis and evaluates if it achieved the set aims of the study. The aim of this thesis was to advance the understanding of cleavages, expressed as frames, and their potential in the maintenance of industry's collective legitimacy. The objectives of this thesis were to: (1) identify and collate texts submitted by the alcohol industry actors to the MUP policy consultation, (2) identify the different frames used by the alcohol industry actors, (3) understand the implications of the frames for industry cohesion and legitimacy, (4) ascertain why industry cleavages did not result to loss of industry reputation and legitimacy, (5) identify any strategies that could have contributed to upholding the industry's legitimacy, (6) collect additional/necessary policy documents/data that could help explain the result – i.e. conduct interviews with alcohol industry actors and policymakers, and (7) highlight the contribution the thesis makes to the wider literature on the alcohol industry, Scottish alcohol policy, alcohol framing, legitimacy and legitimation. To the best of my knowledge, and as evident from the finding chapters (Chapter 6, Chapter 7 and Chapter 8), the aims and objectives set out above for this thesis were achieved. Next, I present a reflection on my multiple identities and world views, and the impact these had on the thesis. Finally, I present the limitations of the thesis and some suggested recommendations for future studies.

10.2 Reflection on Researcher's Multiple Identities and World Views

My medical background and interest in public health resulted in the decision to pursue a PhD. Nothing could have prepared me for the many challenges encountered, the bumps on the way, and changes in the direction of my research than my earlier studies and experiences. My interest in alcohol studies was ignited following the introduction of the public health responsibility deal (PHRD) by the 2010 UK coalition government. The PHRD was

positioned as an alternative to government legislation, which aimed to encourage business actors and health practitioners to work together to resolve public health problems. I followed the media debates with keen interest and started to read up on the political activities of big businesses and their involvement in policy processes. My search led me to an article by Gilmore and Collins (2011), who regarded big corporations as "vectors of diseases" and argued that big corporations should not be involved in policymaking. Further searches led me to articles by Hawkins, Holden, and McCambridge published between 2012 and 2013. These studies left me with unanswered questions. I questioned the one-sidedness of the arguments in the papers and the extent corporate entities moderated their language when addressing different stakeholders during a policy lifecycle. My passion for this thesis was driven by the intention to understand the alcohol industry, the strategies they adopt to influence alcohol policy debates, and their impact on policymaking. But it turned out that there is more to be understood about the alcohol industry and the machinery which is policymaking.

10.2.1A Non-drinker Identity

I grew up in eastern Nigeria in West Africa, a country where alcohol is not widely consumed in public by women. Women seen consuming alcohol or smoking in public were regarded as loose and said to lack self-control (McEwan, 1981; see also: Suggs, 2009). The emphasis on self-control for women limits their freedom of self-expression and promotes a male-centred value system. Writing on the cultural meaning of drinking behaviour of Malawians, Suggs (2009) identified alcohol consumption as a "masculine privilege" and the public bar as "a male space" with women drinking "in the privacy of homes". The gender difference in alcohol consumption in public places is not restricted to the African continent. In the nineteenth and twentieth-century Britain, women were ostracised from drinking establishments and this was a common phenomenon at the time (Borsay, 2006; Gutzke, 2014). Drinking establishments consisted predominantly of male revellers with women running the early modern alehouses (Harrison, 1971; McEwan, 1981). Women shied away from alehouses because of the stigma of prostitution (McEwan, 1981), and this, in addition

to the temperance movement (Harrison, 1971), helped maintain the gender divide in alehouse patronage and kept alcohol consumption in women at an artificially low record during the post-war period (Borsay, 2006). Being drunk in public is not socially accepted in Nigeria (Ibanga et al., 2005), as is the case in twenty-first century Britain. Drunken behaviour was frowned at especially by Christians and other groups who perceive themselves to hold a high moral compass. My non-drinker identity is further compounded by my upbringing in a Catholic Christian family and the fact that my father was a preacher who never drank or entertained guests with alcohol in our home. In addition to my upbringing, my interest to pursue a career in medicine and the increasing knowledge of the health effects of alcohol consumption influenced my relationship with alcohol even as an adult now. I regard myself as a 'lifelong non-drinker'.

My family orientation against alcohol and academic background will always be questioned (Bauman, 2004 notion of 'fluid identities'). However, I do not intend to eliminate bias arising from these multiple identities, but rather I want to explore them in relation to the impact it has on this thesis, as did Thomson and Gunter (2011). Researcher bias has been explored by Podsakoff et al. (2003). The authors examined the extent to which method biases influenced behavioural research results and suggested some tactics for managing such bias. The tactics suggested including procedural remedies, through the study design and the use of variables from different sources (for example, the use of triangulation for interpreting the results) (Podsakoff et al., 2003). These tactics I reflected upon during the planning and execution of this thesis. I use the term bias here loosely to highlight what other scholars have considered during their research. This study is located within the school of social science and researcher subjectivity is inherent or expected as I discuss much later in this chapter in section 10.3.

10.2.2 My Stance and Experience

In the initial stages of the research, my non-drinker and public health identity appeared to dominate and becloud my judgements. This was evident in my writing as pointed out on several occasions by my supervisors. I became more aware of my somewhat judgemental

stance and had to constantly moderate the interpretation of events to give a near balanced view. It is however imperative that I am reflexive in my account of how industry actors use frames to make sense of their social world and avoid imposing my own frames in the discussions about the texts. At every step of the thesis (especially at key decision times), I discussed, reflected (sometimes asking myself difficult questions such as those presented in Ballinger (2003: 68) – although not following the same sequence), and rationalised what I was doing and the reasons for doing so with family members and my supervisors. This helped to keep my research in check. As I got more confident with my chosen theories and analytical methods, my writing and interpretations became more nuanced. My non-drinker identity, although a source of potential conflict, is also positive and serves as an original contribution to the field of alcohol studies and framing. A perspective of a non-drinker, ethnic minority female on alcohol issues and alcohol industry frames brings a whole new dimension of focus to the topic in a way that has never been interpreted (see Thomson and Gunter, 2011).

This thesis now examines the limitations of this thesis and further reflections on the failed initial attempt to recruit interview participants.

10.3 Limitation of the Thesis

Doctoral research is usually a one-person research (Braun and Clarke 2006). This is often cited as a limitation by doctoral and early career researchers carrying out research work alone. The limitation here comes in the form of researchers' ideologies and experiences (or lack of it). These limitations were however managed by regular contact with my supervisors. For example, the frames and themes derived were discussed with my supervisors and the final frame headings were negotiated to ensure that the headings rhymed with the coding guide and the content of the coded extracts. This process although allowed for consistency in the chosen method; however, it fails to provide a multi-person perspective from a variety of people with different expertise and the final decisions for doctoral thesis lies with the researcher.

This thesis focussed on the Scottish MUP consultation. The rationale for this has been explained in the introductory chapter (see section 1.2). This inevitably introduces a geographical bias. The geographical bias may limit the extent to which the thesis can make claims about the generalisability of positions, arguments, and frames used by the different industry actors, especially with regards to the rest of the UK or in emerging or developing country context. In addition, limiting data collected to submissions to the Scottish MUP consultation may have inadvertently excluded some industry actors that submitted to the Westminster consultation. For example, the study by Katikireddi (2013, see table 6.1) included submissions from industry actors such as Society of Independent Brewers, Portman Group, NOCTIS, and Sainsbury's. These industry actors did not feature in the Scottish debates. Notwithstanding, this does not affect the results presented in this thesis as the arguments presented by these four industry actors (as presented in Katikireddi 2013 doctoral thesis) are no different to that presented by industry actors included in this thesis.

This thesis used publicly available documents obtained from the Scottish Parliament website. The alcohol industry, like the tobacco industry, guards their internal documents away from the public (Bond et al., 2009). According to Hawkins et al. (2012), one problem with studying this type of industry has to do with gaining access to relevant company documents that might not be in the public domain and also gaining access to top management staff for interviews. This notion by Hawkins et al. (2012) proved to be true during this research. It was quite a challenge accessing various industry actors as I had no prior relationship or contacts with the alcohol industry or their representatives. The one acquaintance I was introduced to, tried to link me up to senior members of various alcohol contacts by way of email introduction, but this proved unsuccessful. I recognise that these are hard to reach participants (Shaghaghi et al., 2011), so I embraced every networking opportunity availed to me and attended two social policy seminars in London. The seminars were attended by delegates from a wide range of alcohol-producing companies and trade associations. I felt out of place (see a quote by Abu-Lughod, (1988), cited in Finlay, 2003: 7), not only because I was the only black African at the event, but also because I was a young woman, a complete outsider to the set of people in the room. However, I summoned up

courage, moved around the room and spoke to different industry actors, exchanging business cards with a few (those whose organisation I was interested in recruiting for my research). The industry actors I networked with showed interest in my research and some commended me for my bravery in attempting to tackle my proposed research questions. However, a few encounters made me feel awkward and I questioned my motive for embarking on the research process. Several emails following the seminars, yielded no commitment from the industry actor to partake in my study. On further reflection, I doubt I would have been emotionally and psychologically capable of interviewing the industry actors I interacted with during the seminars. This self-awareness stems from my limited experience as a researcher in conducting research interviews (albeit in the early years of my research) with powerful, politically motivated industry actors (see Gough, 2003a). The possibility that the industry representatives would take advantage of the interview scenario and deviate from the focus of the discussion was high as noted by Wilkinson (1988 on functional reflexivity); Parker (1992, researcher-participant relationship); and Gough (2003b on power relations). As a result, I was quite happy to settle for and use an alternative data collection method, i.e. documents.

These challenges made the use of publicly available documents a necessity. However, the use of consultation submissions was within the scope of the study's research questions, and augmenting the industry actors' consultation submissions with interviews, committee reports, and transcripts of parliamentary meetings on MUP in the second phase of the study was beneficial and helped to understand the motives behind industry actors use of frames and the role of policymakers in legitimating industry actors amidst the differences between and within the different sectors of the alcohol industry.

This thesis has focused on frames used by industry actors in the texts submitted during a single alcohol policy issue. Future studies may consider widening the research scope to include texts targeted at other stakeholders, for example annual or CSR reports, and perhaps conduct a comparative study between two or more policy issues or compare frames used by alcohol industry actors with other stakeholder's submissions to the MUP. The research

methods could be elaborated to include an observational-style study to cover the lifecycle of the policy instead of snapshots of events in the life of the different organisations.

The strength of the thesis includes the analysis of the complete corpus submitted by alcohol industry actors to the Scottish MUP policy consultation and these included the analysis of the oral evidence submitted to both the HSC and the FC and the committee and parliamentary reports. A previous doctoral study by Katikireddi (2013) only analysed submissions to the HSC for all stakeholders' submissions for the 2010 MUP deliberations and the study was not limited to the Scottish MUP debate. The use of thematic analysis guided by frame theory and legitimacy theory is an advantage as this enabled the frames identified to be re-evaluated and the rationale for their use in maintaining collective legitimacy understood. Future researchers are however cautioned not to generalise the findings from this thesis to other policies or other industry actors' and should pay attention to the context of the policy issue and the industry been studied.

Another limitation identified with regards to the interviews conducted was the small amount of interview participants. The data could have been richer if industry actors like the SLTA, who supported the MUP, or the CEOs of other brewers (for example Heineken and Greene King), who were known supporters of MUP, were reached. Perhaps also a representative from the SBPA, as this would help advance understanding of intra-industry dynamics within a trade association setting. Also restricting the interview data sample to MSPs who were members of the committee was limiting as most of the members were either retired, no longer in parliament, deceased, or simply unreachable. In hindsight this was the right choice as MSPs who were not in the committee at the time may not have been able to offer insights into the deliberation, apart from the deliberations at the parliamentary sittings. This limitation was managed by the inclusion of the committee's report, and transcripts of the deliberations at parliamentary meetings as they capture the voice of the group without the need to speak to the MSPs directly.

10.3.1 Limitation of Thematic Analysis

Thematic analysis as a method, according to Braun and Clarke (2006), is not always recognised and given credit in the same way as other analytical methods, for example narrative analysis and grounded theory. Thematic analysis is frequently criticised for lacking transparency, as there is no clear demarcation if the themes reported were data or theory derived (Dixon-wood et al., 2005). The theoretical approach has been criticised especially because of its potential to omit 'nuanced data' not captured by the theory or the research question. These criticisms are in-turn advantageous because the theory-driven thematic analysis is useful for large data and the interpretation is supported by the data (Braun and Clarke, 2006; Dixon-wood et al., 2005). Nevertheless, thematic analysis is very flexible and can be applied to studies irrespective of the theoretical or epistemological principles guiding the study. It also provides a rich, detailed, and complex account of the data (Braun and Clarke, 2006), and enables a researcher to replicate, extend, or refute prior discoveries (Boyatzis, 1989). This thesis presents some suggested recommendation for future research.

10.4 Recommendations

Throughout this thesis, I have shown that the policy arena is an arena of contestation and that language is an important part of the process. The language presented as frames are used to construct issues and these can influence and shape the attention given to the issue and the management strategies put in place to resolve such an issue. I have also shown how frames, as used by industry actors, were extracted from the texts they produced and how they provided a possible explanation for their use bearing in mind the policy context. Based on the findings of the review, the following are suggested recommendations.

The government and policymakers are reminded that industry actors have different interests and use language to present these. As such they need to train their personnel to understand how industry use language for influencing policies. Policy actors advocating a policy issue should be forthright with their arguments and in their presentation of evidence. For 21st century Scotland, introducing a strict alcohol policy could be the way forward to bring about a change in attitude and the consumption culture of the Scots. The Scottish

Government needs to stand firm with bold policy decisions, no matter how unpopular these decisions prove to be, for the sake of public health, and put in place the right evaluation method/process to ascertain the effectiveness of such a policy.

The use of statistics (i.e. large numbers and percentages) have been shown to produce a framing effect (see Levin et al., 1998; Tversky and Kahneman 1981; Chong and Druckman, 2007b), but no study has considered the effects of the statistics used by alcohol industry actors during alcohol policy negotiations on policymakers or other stakeholders. Further studies may be necessary to ascertain the role and consequences of statistics as used by alcohol industry actors during policy negotiations in producing framing effect process. Alcohol advertising regulations should be reviewed and enforced in order to prevent unnecessary exposure of alcohol to children and young people. This recommendation is in line with the study by Savell et al. (2016), who suggest that "contemporary policy environment in Europe and the United States is ineffective in limiting both young people's exposure to alcohol marketing and the general effect of marketing on alcohol-related harm". Following the implementation of MUP it is recommended that a follow-up study is conducted to ascertain the impacts, both positive and negative, of the policy and the industry's take on the implementation outcome. Given the unintended consequences detailed in their submissions, the careful monitoring of the impact of the policy should be a prerequisite for the government and public health activists.

Finally, there is this sense that the Scottish Government is a winner because of the successful passage of the MUP Bill. A bit of caution needs to be exercised because as the Government takes on a social issue, the proffered solutions might not always be the best or preferred approach. Rather than a win-lose mentality, a better approach would be a win-win mentality where industry actors work together creatively with the government for the benefit of the society.

10.5 Conclusion

This thesis has hopefully advanced the knowledge and understanding of the alcohol industry, the alcohol industry's use of frames during the Scottish MUP policy deliberation, cleavages within the alcohol industry, and the alcohol industry's relationship with the Scottish government in their quest for legitimacy. It identified and collated relevant industry texts submitted during the MUP policy deliberation, carried out interviews with members of the alcohol industry and MSPs, and highlighted the contributions that this thesis makes empirically, theoretically, and to the policy process. The contribution of this thesis is twofold. Firstly, this thesis updates previous studies on framing the alcohol MUP debate, which focused on the legislative process of 2010 and the second attempt by the SNP government to pass this into law in 2012. Secondly, it applied legitimacy theory to the study of industry framing in ways absent from previous studies.

The alcohol industry is important to the Scottish economy, and the Scottish Government would not jeopardise the economic benefits of the alcohol industry to the country by delegitimising the industry. The government's intention remains to reduce the harms caused by the misuse of alcohol at a population level, and a population control measure using a pricing mechanism was the only way forward based on research evidence produce by the ScHARR study and given the restrictions placed on a devolved administration by the UK Government. Education has its benefits, although these benefits are limited in hazardous and harmful consumers, hence the population-wide approach of a pricing mechanism. The government nevertheless needs to continuously evaluate its alcohol control policies to ensure effectiveness and equity.

APPENDICES

Appendix 1: Characteristics of Industry Actors

Producers	Characteristics
Diageo	• Created in 1759 by a merger of Guinness and Grand Metropolitan. • Renamed 'Diageo' in 1997 with its headquarters in London (Diageo, 2017a). • Operates in 21 geographic markets, in over 180 countries and 32,000 employees worldwide. • Diageo has championed many alcohol misuse prevention programmes through own programmes and through partnership and collaboration with others (Diageo, 2017b).
Tennent Caledonian Breweries UK	• One of UK's oldest breweries, dating back to the 1550s. Based at the historic Wellpark brewery in Glasgow and employs over 300 people. • Became part of the C&C group in 2009, retaining its name (Tennent Caledonian, 2016a). • Broadened its export market since 2009 globally to Australia, Canada, and Italy (Tennent Caledonian, 2016d). • Works with Portman Group and SGAIP; supports varied CSR activities and local charities (Tennent Caledonian, 2016b).
Chivas Brothers Ltd and Chivas Brothers UK	• Founded in 1975. Headquarters in France with a corresponding brand head office in London (Chivas Brothers, 2017). • Number 2 worldwide producer of wine and spirits and number 1 in premium and prestige spirits. • Chivas Brothers has 101 production sites in 24 countries including Scotland. Has 18,000 employees worldwide. Company turnover of €8682 million in 2014/15 and a share capital of €411,403,467.60. • CSR involvement include economic efficiency, community wellbeing and environmental protection (Pernod Ricard, 2017).
The Edrington Group	• History dates to the mid-nineteenth century. • Famous for its scotch whisky. • Expanded its portfolio to include golden rum in 2008. • Scottish based headquarters, with 60% of its workforce based abroad (Edrington, 2012a). • Funds the Drinkaware campaign and makes charitable donations through the Robertson trust fund since 1961. • A key supporter of the SWA's environmental strategy (Edrington, 2012b).
Molson Coors	• Dates to 1774 in England and 1786 in Canada. Formed in 2005 by a merger of 'two equals' Molson and Coors. • In 2008, it formed a joint venture with SABMiller forming MillerCoors which combined the US and Puerto Rican businesses. • In 2016 it acquired the remaining shares from the MillerCoors venture with SABMiller and became the third world largest brewer (Molson Coors, 2016a).

Producers	Characteristics
	• Employs 18,000 people (Molson Coors, 2016b). • Teamed up with twelve other leading beer, wine, and spirits companies in October 2012, to form the International Alliance for Responsible Drinking (IARD). Plays an active role in achieving the set commitments of the IARD (Molson Coors, 2016c).
SABMiller	• Dates to 1895. Parent company South African Breweries (SAB, 2017). • Involved in a lot of hostile takeovers from smaller brewers and rivals. Acquired the US Miller Brewing Company in 2002 to form SABMiller (SAB, 2017). A multinational brewing company with its headquarters in England. • World's second-largest brewer measured by revenues. Operated in over 70 global markets (CPL, 2016; SAB, 2017; SABMiller, 2017). • Acquired by Anheuser-Busch InBev in October 2016 after which the trading name SABMiller ceased to exist. • Surrendered its interests in the MillerCoors beer company to Molson Coors in December 2016 (SABMiller, 2017). • Engaged in multiple CSR and sustainable development initiatives prior to its acquisition (SAB, 2017; SABMiller, 2017).
Whyte and Mackay	• Its root can be traced back to Glasgow in 1844 (Whyte and Mackay, 2015; Scotchwhisky.com, 2017). • Formed partnership in 1882 (James Whyte and Charles Mackay) to form the Whyte and Mackay brand. • Retained original name from 1882 despite series of mergers and acquisitions over the years. • Acquired by Emperador Distillers Inc. a Philippines based company since 2014 to date (Scotchwhisky.com, 2017).
Off-trade Retailers	
Co-operative Group	• UK's largest co-operative business; owned by over 5million members. • 2,800 retail stores and 70,000 employees (Co-op, 2015: 3). • Started in 1844 and in 1863, formed a co-operative wholesale society which provides co-op products sold across the stores (Co-op.2015). • Signatory to the UK Public Health Responsibility Deal (PHRD) and supports Drinkaware financially.
WM Morrison supermarket	• Founded in 1899. Headquarters in Bradford. • The first supermarket opened in 1961. • Fourth largest UK supermarket chain. • Runs over 500 stores and employs 130,000 staff.
Asda	• Dates to 1949. Founded in 1965 following a merger between the Asquith family supermarket and Associated Dairies company of Yorkshire (ASDA, 2016). Headquarters in Leeds. • Has 525 stores across the UK and 160,000 employees. • Once the second largest UK supermarket chain between 2003 and 2014 by market share (ASDA, 2017). • A signatory to the UK PHRD.

Producers	Characteristics
Tesco	• Started in 1919 as a market stall in London. The first supermarket opened in 1950 and in early 2000 business expanded online (Tesco Plc, 2017a). • World largest retailer with 476,000 employees. • UK largest retailer with 3,500 stores and over 310,000 employees (Tesco Plc, 2017b). • Signatory to the UK PHRD and lead retail partner of Drinkaware. • CSR activities include 'Challenge 25', Community Alcohol Partnership (CAP).
Trade Associations	
WSTA	• Headquartered in London. • Represents over 340 UK companies who produce, import, export, bottle, and retail wines and spirits. • Promotes the political goals of its members, in addition to providing legal, regulatory, tax advice and market research (WSTA website; IAS factsheet, 2013). • CSR initiatives promoted include PHRD, CAPs, voluntary labelling scheme, challenge 25 (WSTA, website). Supports Drinkaware (WSTA, 2017b) and SGAIP.
SWA	• Main trade body of scotch whisky producers, dates to 1921 (SWA, website). • Headquartered in Edinburgh and oversees over 117 distilleries across Scotland (SWA, 2016). • They advance the global interests and profile of scotch whisky, its members, and the industry. • SWA achieves its aim by consistently "building strong relationships with all levels of government and opinion-formers and by making a visible impact on public debate" (SWA, Website). • SWA has led the alcohol industry's legal campaign against the Scottish Government's introduction of a MUP for alcohol, lodging a formal complaint to the European Commission and seeking a judicial review in the Court of Session in Edinburgh (IAS factsheet, 2013).
SBPA/ BBPA	• Leading body representing Scotland's brewers and Pubcos (SBPA website). Founded in 1904. • Engage in policy development, lobbying, media and public relations and compile industry statistics and guidance (IAS factsheet, 2013; BBPA website). • Supports 60,000 jobs in Scotland and contributes £1,500 million in tax. • CSR activities include challenge 21; PASS scheme, unit awareness campaign, the law on serving drunks, Best Bar None (BBN), Purple flag and Pubwatch. Provides members resource for premises security (BBPA, 2017a).
SLTA	• Founded in 1880 and represents all sectors of the Scottish licensed trade Industry. • Members include publicans, hoteliers, restaurateurs, late night entertainment venues, clubs, licensed grocers, drinks suppliers and license trade servicing companies (SLTA website). • Protect and promote the rights and interests of licensee members especially with regards to trade and advice members on matters affecting their business.

Producers	Characteristics
CAMRA	• A consumer campaign group; founded in 1971. • Head office in St Albans Herts with over 185,000 members worldwide (CAMRA Website). • Acts as the consumer's champion in relation to the UK and European beer and drinks industry. Supports the growing interest in real Cider and Perry (CAMRA Website). • CAMRA campaigned for the following: cutting tax on real ale, Perry, and Ciders; protecting pubs; promoting pubs and campaign to support Scottish pubs on behalf of its members.
NACM	• The national trade body for apple and Perry Cider producers in the UK. • Founded in 1920, with its main office in London (NACM Website). • Signed up to two pledges (alcohol labelling; advertising, and marketing) through the PHRD (DOH, 2011a). • Collaborated with Portman Group and SGAIP to develop sponsorship guidelines in Scotland (DOH, 2011b). • At the EU level, it represents its members through its membership of the Association of the Cider and Fruit Wine Industries of the EU (NACM Website).
SGF	• A national trade association that represents the convenience store in Scotland and some producers. • Represents over 3,000 members. • Key activities: lobbying, advice, networking and communicating the needs of its members to Parliament and the media. They provide online training materials to members.
SRC	• Trade association for the retail sector in Scotland. • Key activities: lobbying the government and relevant stakeholders; providing valuable economic evidence and key facts (STP website).

Appendix 2: Introduction Letter to Potential interviewees

To (name of contact/position held within the organisation)

February 2019.

Dear Sir/Madam,

Research Information - Exploring the strategies adopted by the UK Alcohol industry when faced with regulatory threats.

My name is Iheoma Josephine Amaeshi. I am a fourth year PhD student with the School of Sociology, Durham University. Durham. England. UK. My supervisors are Professor Fiona Measham and Dr Sam Hillyard. I am writing to provide you with more information regarding my study.

This letter is just to inform you about the study conducted on the alcohol industry which your organisation is part of. Your organisation and other organisations affiliated to the UK's alcohol industry have been selected. This study aims to understand strategies adopted by the alcohol industry when faced with regulative threats such as those presented by the MUP policy and how alcohol industry policy framing contributes to our understanding of alcohol issues.

The study involves carrying out an interview with at least one member of your organisation to explore the strategies adopted by your organisation during the Scottish Government Alcohol Minimum Pricing policy deliberations. The interview should last no more than 90minutes and would be tape recorded. A transcript of the discussions would be produced, anonymised and analysed for use within the thesis. The interview recordings will be deleted after it has been transcribed and the transcripts produced will be securely stored on a password protected device which is accessible by the researcher alone. Extracts from the transcript would be used in the thesis anonymously. This data could also later be used in publications including, but not limited to, journal articles and book chapters. The transcript will be stored for no more than 5 years following the successful defence of the thesis. below is a link to the University's general data privacy policy -

www.dur.ac.uk/research.innovation/governance/ethics/considerations/people/consent/privacynotice/

You need to give consent to be interviewed and for extracts of our conversation to be used in my thesis. Attached are copies of the study consent form and some sample interview questions. My contact details are i.j.amaeshi@durham.ac.uk should you need to contact me. I would be in touch to arrange a suitable date, time and venue for the interview.

Kind regards,

Iheoma Amaeshi

Appendix 3: Follow-up Letter to Interview Participants

To (name of contact/position held within the organisation)

March 2019.

Many thanks for accepting to participate in this study.

The objective of the case study - The study will explore intra-industry dynamics and collaborations. The idea is to understand how industry members collaborate to achieve common business and societal goals, using the minimum unit pricing as a case example.

Next step - I am looking to speak with you before the 30th of April. Can you give me a couple of dates that you are available for a chat and I will get back to you? The interviews should last no more than 60mins and these can be carried out face-to-face, through Skype or by telephone. The interview will be tape-recorded and deleted immediately after it is transcribed. The transcript would be stored on a password protected device for no more than 5 years and then deleted You are welcome to request a copy of the transcript before it is used in my thesis.

How the information will be used (anonymity, etc.) - The information you provide in support of this study will be strictly used for academic purposes and all participants would be offered anonymity. The materials collated will not be used in any publications without your consent. And where required, I would be happy to sign non-disclosure agreements. Please find attached a copy of the study consent form. I will need this returned just before the interview.

I hope this helps and look forward to hearing from you.

Kind regards,

Iheoma Amaeshi

Appendix 4: Sample Consent Form

Consent for Participant's in Interview Research

Durham
University
Department of Sociology

I volunteer to participate in a project conducted by Mrs Iheoma Josephine Amaeshi from Durham University. I understand that the project is designed to explore intra-industry dynamics and collaborations. The idea is to understand how industry members collaborate to achieve common business and societal goals, using the minimum unit pricing as a case example.

I understand that my participation is voluntary, and I will not be paid for my participation. I know that it is up to me whether or not I want to take part and that I may withdraw or discontinue participation at any time without any repercussion.

I have read and understood the explanation provided to me in the Participant Information Leaflet. I have been given a chance to ask questions and had all my questions answered to my satisfaction and I voluntarily agree to participate in this study.

I, _____ consent to assist Mrs Amaeshi with her research.

Signature _____ Date _____

Researcher's name: Iheoma Josephine Amaeshi _____

Signature _____ Date _____

I volunteer to participate in a project conducted by Mrs Iheoma Josephine Amaeshi from Durham University. I understand that the project is designed to explore the Scottish government and the alcohol industry relationship using the Scottish minimum unit pricing (MUP) policy as a case example. The idea is to understand the impact of the industry actors division on the MUP policy deliberation, the Parliamentary Committee's perception of legitimacy for the alcohol industry and the impact on future collaboration..

I understand that my participation is voluntary, and I will not be paid for my participation. I know that it is up to me whether or not I want to take part and that I may withdraw or discontinue participation at any time without any repercussion.

I have read and understood the explanation provided to me in the Participant Information Leaflet. I have been given a chance to ask questions and had all my questions answered to my satisfaction and I voluntarily agree to participate in this study.

I, _____ consent to assist Mrs Amaeshi with her research.

Signature _____ Date ___6 MAY 2019.___

Researcher's name: Iheoma Josephine Amaeshi _____

Signature _____ Date _____

Appendix 5: Sample of Interview Transcript

Participant 1 ▮▮▮▮▮▮

I: Thank you very much for accepting my invitation to have a chat about the MUP policy

P: Of course

I: I just want to ask a few questions about how your organisations' position, how it represented itself during the MUP policy deliberations, the strategies adopted and how things have progressed since the policy became law.

I: I will ask you some questions and if at any point you don't feel comfortable answering just let me know. The interview is not aimed at catching you out and you don't have to reveal any sensitive company information.

P: Ok

I: I have already conducted some analysis... this is a follow up to help me understand what was written in the documents I have analysed so far, but first can you tell me a little bit more about yourself.

P: As of today, I am CEO, the previous role was MD of the XXX single malt running the business unit for 4 years. I have been in the organisation for a total of 10-years doing different roles. I am a member of the council of XXX just now. I wasn't at the time of the MUP but joined shortly after and I have been part of the discussions, you know the ongoing court cases.

I: Ok, so not directly involved with the MUP deliberations?

P: I was, internally within our own business but not on the council at that point in time

I: So, I want to know a bit about XXX at the time of the MUP debate can you tell me more about the organisation

P: Yes. I guess it has not changed much since then. We are a Scottish business based in Glasgow ... (goes on to list names/brands of product which are mainly the Scotch and its history, investment, number of staffs across the world, portfolio of about 250million etc).

I: What was your organisation's position on MUP?

P: Erm we had. I guess we went along with the industry I guess, my boss at the time who just retired (mentions his bosses name) was quite central to the debate. Our position I guess we could see that it would benefit our business, erm particularly because one of our brands is the (xxx) which is number 1 in the UK market in Scotch and the biggest brand in Scotland and we could see that MUP would actually help that brand, we had done some studies with AC Nielsen looking at the impact of MUP on

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Iheoma Amaeshi
Participant 1 represents a producer company and sits on the TA council. The discussion often switches from company's view to the TA's view

Iheoma Amaeshi
I = Interviewer

Iheoma Amaeshi
P = Interviewee/ Participant 1

Iheoma Amaeshi
Position on MUP was to oppose even though MUP would benefit their product/business

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the market and therefore on our product within the market and we could see it was financially beneficial but we could also see some concerns around a number of different areas. One of the prime concerns was how spirits are taxed using the duty regime and we think that there are more sensible ways of addressing the issue by raising duty because then the benefit of that the revenue collected goes to the government and we worried about Minimum Unit Pricing because the extra revenue obviously goes to the retailers so we thought getting started on that footing was the wrong way to go and would set a precedent for the future. We also feared I guess excessive government interference on pricing you know, Duty has a formula based on alcohol content and applies equally to every product and producer, (line break) we worried about the government basically deciding the prices of our product erm not that it would affect us very much but as a principle, it's not one that any business I guess is keen on that government sets the price and the third concern is that our prices are globally and we find quite often that in an international market there is discrimination against Scotch whisky and lots of other markets looks to the UK and to Scotland for when they are setting their taxation or restrictions regimes on their product and we think a tough regime from Scotland could be used as an excuse for other markets to use to discriminate against Scotch usually as a precautionary measure to misuse. You know the provision of minimum price to prevent competition so it was really those things that were our concern as they were for the industry we weren't as worried as many people I think if it's fair to say but as part of XXX we were happy to support the position that they took.

I: So, your organisation's position was to go against the Minimum Unit pricing and that's in line with XXX.

P: Yes

I: You mention something about the proceeds of MUP been retained by the retailers. If the proceeds came back to the government or producers would it have changed your position overall?

P: No. No. No. The position wasn't a commercial position it was based on principle if you like. Principles were the biggest concerns.

I: How do you see other organisations who sided with the government, for example, the SLTA and Tennent Caledonian (TC).

P: I use to work for xxx 20 years ago, the CEO was my boss called xxx. My view at the time was, I could understand why they would be different views. Within the Scotch

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Iheoma Amaeshi April 10, 2019
Quality of arguments
Nature of threat - overseas

    ↩ Reply ✓ Resolve

Iheoma Amaeshi Reason for opposing MUP

Iheoma Amaeshi Treatment recommendation

Iheoma Amaeshi Attack on peripheral actors

Iheoma Amaeshi Quality and balance of debate

Iheoma Amaeshi Reason for opposing

Iheoma Amaeshi Quality and balance of the ▾

Iheoma Amaeshi Reason for opposing MUP

Iheoma Amaeshi Nature of threat

Iheoma Amaeshi Solidarity. Strength in ▾

Iheoma Amaeshi Quality and balance of ▾

Iheoma Amaeshi Cleavage with other key ▾

Iheoma Amaeshi Quality and balance of ▾

whisky, the views were fairly consistent. There wasn't much variability within it erm but within other alcohol sectors particularly the beer companies and companies who own bars they were positive. I think it was self-interest they didn't care about Scotch's reputation overseas or trade barriers to Scotch overseas that wasn't the business they were in and I think a lot of them were looking at it as a commercial opportunity, certainly (TC) believed that if the off-trade pricing went up, more people would use their bars consuming in on-trade they will make more money. I think they saw a chance for a commercial gain more than anything else

I: Ok.

I: So, Molson Coors was also in support of MUP are they part of XXX

P: Yes, No.

I: How does this divide affect your organisation's future collaboration?

P: Erm we don't really, I guess we sell to those companies on-trade divisions, I guess we sell to their bars through various intermediaries through them. It hasn't to the best of my knowledge affected our relationship or our business in any way. I don't think there's been any impact at all.

I: So, you believe the divide stems from a matter of principle and business interest for those who support…

P: Yes. I think so. Maybe they had a philosophical agreement with it or points of principles, but I am not aware of what any of those were or might be I suspect that because it was the beer company that primarily supported it, and I suspect that was commercially driven.

I: Can you talk more about the principle you just mentioned?

P: Yeah, well from our point of view those principles were about I guess government setting prices is very concerning for organisation and the overseas and the misuse of MUP implementation by the overseas government to discriminate against Scotch those were the two big principles.

I: Ok. What was your key strategy during the MUP debates?

P: We kept our heads down (laughs) we let the XXX (trade body) make the arguments on our behalf so we stayed very quiet and let the XXX run the debates with the government and all other public messaging.

I: Ok, So, what would you say informed this strategy?

P: We are a very low-key business; I am sure you haven't heard about us up till now you are doing your research. We just keep our heads down we are not a public

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Iheoma Amaeshi April 29, 2019
Evidence of Cleavage

Reply   Resolve

Iheoma Amaeshi
Cleavages has not affected Business relations

Iheoma Amaeshi
Recurring theme linked to ideology

Iheoma Amaeshi
Quality and balance of arguments of the debate

Iheoma Amaeshi
Nature of threat of MUP. Not great within Scotland. Concern more for overseas impact

Iheoma Amaeshi
Letting the trade association take the hit and preserving individual company reputation

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company and we don't believe we can add anything to the debates about health because we are an alcohol business and we try to encourage responsible consumption whenever we can but there is nothing to be gained by us really talking in public and making lots of noise in public and the association is very well equipped to do that on our behalf that's why we are members and we are happy to let them do all that work for us

I: Ok. During the debate did your company meet with other non-Scotch producers to discuss strategies and positions?

P: Erm we… (hesitation) I don't think there were any meetings with any other companies in the industry. Other than our own subsidiaries we have the UK, distribution business (mention names) because they are the people who run the day to day business in the UK and we used consultants, we used AC Nielsen to model scenarios trying to predict what would happen so nothing with other alcohol producers or bodies that I am aware of.

I: Ok. What is your opinion on trust within the industry?

P: It… within the Scotch category or alcohol the industry in general?

I: Alcohol in general

P: It's an interesting question, the XXX and Scotch producers have good relationships, and we have close relationships through the XXX (TA) you know we compete fiercely in the market but the XXX is a very well managed organisation, very well run and well-structured and it does the job very well and there is strong engagement by all Scotch industry. The interesting thing is that if you are looking at who is doing Scotch (mentions three other companies). XXX and XXX have other interests outside of scotch spirits, beer and wine so you get this funny thing as they are members of XXX and XXX (mentions other TAs) and we are not directly represented by them. I think XXX (mention other branches of the organisation) the UK is still part of, so you end up with this strange kind of overlapping set of groupings and we are not very well aligned between the organisations. I think they do talk occasionally the trade bodies do talk but not very much it's quite loose. And then there is another world which the big beer companies are, and you know some contacts with the WSTA for example but not an awful lot as such I guess is quite fragmented but a very strong XXX (mentions TA) in part of the market if that makes sense

I: How does MUP affect intra-industry trust?

P: I think it probably lessened the trust a little bit

Iheoma Amaeshi
Quality of debate
Hiding under their TA. TA shielding

Iheoma Amaeshi
Role of consultants in managing reputation

Iheoma Amaeshi
Role of the TA

Iheoma Amaeshi
To align strategies… but not deliberate to manipulate the policy process???

Iheoma Amaeshi
Role of interpersonal relations

I: In what way?

P: I think in particularly, It probably became clearer that our interests were not hugely aligned so the spirit companies were against MUP and the beer companies for it and the beer companies argued their case very heavily quite actively and I guess it highlights that they won't hesitate if there were difference of views on a particular topic that they won't hesitate to work against us (mentions TA) erm quite aggressive, I don't think it made a massive impact (recording went off for 40secs)

I: You mentioned the use of tax earlier on, using tax as an effective means how would your organisation make tax work?

P: Tax puts the price of everything up, but the Scottish government can't do that because it doesn't have control of excise tax and can't do anything separate from the UK government so hence MUP. So, I think it was driven by the political situation and not actually the stated aims of MUP and so.

I: One of the stated aims of MUP is to control the prices in the off-trade and stop the loss leader practices…

P: Increase in tax and not allowing anyone to sell below tax and VAT would be the way to do it. So, you say to the retailer you can't sell below £12.

I: But that hasn't happened in England

P: No, in England you can sell below tax, you can sell whatever you like. But if you increase tax and make it illegal to sell below the tax effects that will prevent the fall in price

I: Overall, the legitimacy of the industry was not affected, how do you see that?

P: In terms of public perception or the industry?

I: Both

P: Erm, yeah if you look at what percentage of sales has been affected. In fact, if you look at sales in Scotland erm there are some quite dramatic movement because of MUP

I: Dramatic in what sense

P: Yeah Big reduction in Scotch whisky sold since the introduction because a lot of Scotch whisky was discounted by the retailers and that stopped. So, the Minimum Price is £14…

I: Has it affected your export rates

P: No, to be honest, we haven't seen any knock-on effect on that yet. Ireland has introduced MUP and Wales are thinking about it. It might come up in England and start

Iheoma Amaeshi — Cleavage confirmed
Iheoma Amaeshi — Effect of competition
Iheoma Amaeshi — Trust levels
Iheoma Amaeshi — MUP as a political stint
Iheoma Amaeshi — Quality of arguments
Iheoma Amaeshi — Treatment recommendation
Iheoma Amaeshi — Treatment recommendation / Evidence of government failure
Iheoma Amaeshi — Impact of MUP
Iheoma Amaeshi — Attack on retailers- peripheral actors
Iheoma Amaeshi — Impact of MUP
Iheoma Amaeshi — Nature of threat - neutral

spreading around the world. We haven't really seen much in response globally so that fear, that principle we had about worrying about what other government would do has not really come to pass yet.

I: So, all the fear has not materialised

P: No not on the overseas government response, erm I think when the data is published and we look at sales performance in Scotland there has been a massive decline in our industry, but it doesn't really affect us as we are making a little bit more profit than we use to because we are selling more products were the retailers haven't discounted it and we make more margin on that so the volume has dropped a lot but the margin has increased, probably slightly better in terms of profit, but this is only the suppliers of our legal product, but for secondary brands they would be having some severe issues on profitability and sales. I don't know if any has closed down yet or job losses or whatever. But it would damage the spirit industry I'm quite sure and some ciders they have a massive impact so they must be really hurting. I think it is probably the alcohol companies would have suffered performance wise because of MUP. The big companies like us with more expensive brands like us I think have limited impact

I: How did you manage to do that was it planned?

P: In terms of impact, it just happened, the old ways which still happens in England, we have a price that we sell to retailers above the MP and at Christmas we discount the price say £12 a bottle instead of £16 and what they do is they fund most of the discount and a portion of the discount but because you can't discount in Scotland below the MUP there is a lot fewer sales discount so we don't have to pay a share of that and that's helped our profitability it's just the way just because so there has been no real planning

I: I want to move on to ask about industry reputation. MUP has not affected your reputation unlike the tobacco during their debates, how did the industry manage to achieve this?

P: Yeah, erm you know from the companies perspective because we weren't visible during the debates, we were not in the media we hadn't suffered as a business, we are a respectable company and we abide by all the rules we are good corporate citizens and we give all our money to charity so our reputation is strong. I think the Scotch whisky industry reputation suffered a little bit with more from the government than from the consumers erm our relationship with the Scottish government has been quite cool since and that seems to be repaired, we had the first minister come into one

Iheoma Amaeshi — Quality and balance of debate
Iheoma Amaeshi — Nature of threat - negative
Iheoma Amaeshi — Nature of threat –
Iheoma Amaeshi — Attack on peripheral industry
Iheoma Amaeshi — Nature of threat – balanced
Iheoma Amaeshi — Hint on unintended
Iheoma Amaeshi — Peripheral industry actors own
Iheoma Amaeshi — Nature of threat is dependent
Iheoma Amaeshi — Cleavages not intentional for
Iheoma Amaeshi — Peripheral actors
Iheoma Amaeshi — Nature of threat
Iheoma Amaeshi — Hiding under the TA to
Iheoma Amaeshi — Socially responsible frame –
Iheoma Amaeshi — April 10, 2019 / Nature of threat
Reply Resolve

of our distilleries in summer and we started meeting. Some of the people in the council might meet with the first minister every 6 months in response so we are starting to dialogue again and rebuild the relationship, but it went through a difficult period after MUP and I think the industry did suffer from the political perspective maybe not much from the consumers perspective

I: Who made the first move to rebuild reputation?

P: Both sides reached out. The XXX definitely reached out to the government and the government were quite willing to try and rebuild the relationships with the local MPs were the factories and distilleries are so we have an ongoing dialogue with them which has been fine through the SWA trying to rebuild a relationship with the government.

I: Do you think that players who sided with the government helped to maintain the reputation of the industry?

P: Erm I don't think so, I think because the SWA that fought the government in court, which is why the SWA reputation took a hit within the political arena primarily and maybe a tiny bit with the population as a whole, I don't think the public was aware very much of the differing views so I think the people supported MUP have really not affected the publics' perception at all

I: you mentioned earlier that some consultants were involved in advising the industry, can you shed more light on that

P: Its really just on modelling the impact obviously with any business we are planning ahead so we are buying wheat, we are buying cereal, we are buying electric, and glass as well. We have to plan our manufacturing and this change was coming on and we were thinking about what's going to happen. The survey companies they ran some tests and scenarios so that we can seek to understand what this MUP what impacts it will have on our sales, volumes and production and goods and materials and so on. What will actually happen to our products so we can start to tell our shareholders this is what to expect. So, it was just an exercise looking at the practicalities of the impact on our business this is going to bring.

I: Do you think the consultants played a role in helping the industry maintain cohesion and minimising reputational damages?

P: No those guys, the XXX, I think really did that because they, the thing that they do on behalf of members they are the ones in the public and in the media and in the courts and speaking to the government so they are upfront and the industry (individual companies) are behind, so they really shielded the industry so that's why the

reputation didn't suffer very much because people didn't associate any conflict with the government with individual brands and the companies so they saw it as an industry thing a Scotch whisky association thing I think they shield us more than anything and they did get advice of course from PR agencies and lots of legal advice as the process rolled on. I don't think (pause) because the companies are one step back it didn't impact on their reputation.

I: Any question relevant to our discussion you would like to ask

P: I guess where you haven't touched on, that's not what you are looking at

P: I guess do you want a view, or do we think it's (MUP) effective or not you know what next. Where is it going to lead to…?

I: Interesting question, so, what is your perception on the way forward?

P: Well I'm not convinced that it is addressing erm well I think it's good in a way of taking away very very, cheap alcohol and I think doing that through duty would be an effective way of doing that and it would have meant for revenue to the government.

P: Probably it (MUP) works to a degree, but I think there are better ways of doing it.

I: Would the SWA challenge the govt again if the MUP review proves otherwise?

P: No. No, I don't think so. I don't think it will go to court again they might just challenge the government in private and gently and try to maintain the relationship. I think the industry had its finger burnt a bit I think with MUP. Actually one of the things that is interesting right now is we are talking on the council about you know few other things are happening right now the recently announced alcohol health agenda the policy statement came out with the Scottish government and we are thinking very carefully about how to engage with that because we don't want to end up fighting with the government again erm there is this whole element of trust with the other industry comes in because it seems to the whole XXX that last time we were left to fight the battle and take the costs and the bad publicity and all the hassles and the whole industry you know so overseas spirit companies erm wine companies and beer companies to an extent who you know stood in the background and let XXX fight MUP and we don't really want to be in that position with anything else. I think the MUP dynamic has affected how we see the rest of the industry from a Scotch whisky perception to date and its really, we don't want to be fighting the rest of the industries battles.

The interview lasted 45 mins

Margin comments (Iheoma Amaeshi):

- The role of TA in managing legitimacy/reputation
- Cleavages not an intentional strategy for managing legitimacy
- Nature of threat. Fighting the government not good for reputation
- Role of consultants
- Role of TA
- Role of consultants. questions here is did they consultants work for multiple sector/companies simultaneously behind the scenes and if so what impact did this have on industry cohesion.
- Nature of arguments
- Attack on peripheral actors
- Building bridges
- Caution with future engagement with the government
- Role of TA
- Weak intra-industry cohesion

Appendix 6: Interview Schedule for Industry Actors and the MSPs

Interview schedule

Durham University
Department of Sociology

Introduction

Go through consent (verbal consent)

Enquire if they fully understood the participation leaflet and any questions

General questions

1) Can you say who you are
2) How long have you worked for this organisation?
3) What is your role within the organisation?
   a) To what extent were you involved in the MUP debate
   b) Where you involved in drafting the consultation response submitted by your organisation?/ Who else does this? (i.e. consultants)

Organisational strategies and position on MUP

1) Can you tell me more about your organisations?
   a) What is your organisation's position on MUP?/ What challenges or benefits does this present?
2) How is the alcohol industry responding to the pressure of regulation?
   a) Is there any particular strategy your organisation adopted during the MUP policy debates?
3) What are the biggest areas of opportunities during a policy deliberation?

Framing specific question

1) How do you or your organisation represent its interests?
2) Do you think any stories you have generated around policy consultations dominate or influence policy decisions?

Cleavages

1. What is the view of your organisation on alcohol industry members who supported the MUP?
2. What is your opinion about the disunity display amongst industry actors during the debates?
3. Do you think it (the display of disunity) played a role in the policy outcome?
4. What challenges did this pose for intra-industry dynamics during the debates
5. Would this impact on future collaborations on alcohol issues?
6. How do you perceive the legitimacy of these other organisations in relation to their position during the debate?

Closing questions

7. Is there any question you feel that is relevant to our discussion I should have asked you, and that I have not asked?
8. Do you have any questions you wish to ask?

Thank you for your time today

Interview schedule for MSP's

Introduction

Go through consent (verbal consent)

Enquire if they fully understood the participation leaflet and any questions

What prompted the MUP policy?

What did the government aim to achieve?

Why did the government initiate the consultation?

Were there cleavages between the MP's and MSP's?

Did all the politicians on the committees have favourable dispositions to alcohol and the industry?

How does the government view the industry in general?

How then did you make use of the evidence from the industry?

What is your take on the cleavages observed within the industry?

How did you manage this?

To what extent do you trust what the industry said or the evidence they present?

It seems the panel didn't trust the industry; is that a fair assumption?

Did you think the policy was a threat to the industry at any point in time?

How do you feel about the legal challenge brought forward by the SWA?

Following the court case, how do you view the industry?

Would this affect future collaboration?

Did the government work with consultants during the process?

Did the government at any point see the division in the industry as a strategy on the part of the industry to confuse the government?

Closing questions

1. Is there any question you feel that is relevant to our discussion I should have asked you, and that I have not asked?
2. Do you have any questions you wish to ask?

Thank you for your time today

Appendix 7: Showing the coding scheme with selected extracts from industry submission

	Coding levels				
Extracts	**1st Open code (the story)**	**2nd Axial coding (of the story) using Entman (1993) frame element and reasoning device**	**3rd Resultant frames from axial coding**	**4th Vested interest embedded in the resultant frames**	**5th Preferred strategies for protecting interests**
Edrington Group MIN32, pg.1 *The Edrington Group owns some of the <u>leading Scotch whisky and golden rum brands in the world</u>, including...* *Edrington is headquartered in Scotland and is <u>an international business employing over 2,300 worldwide</u>, with over 60 per cent employed overseas.* *… it appears therefore premature to introduce yet further measures and restrictions* *Edrington successfully operates its Code of Practice on responsible marketing and is a signatory to the Portman Group Code of Practice. The Group is also a member of Drinkaware and participates in "Why let good times go bad?," [SIC] the all-industry responsible consumption campaign.*	The main story here is one of longevity, size, and economic viability, which is an expression of power	*Problem definition* – MUP is the wrong approach *Moral evaluation* – alcohol consumption pattern and mortality rate are on the decrease *Causal interpretation* – measure in place are sufficient *Treatment recommendation* – is to do nothing *Syntax* – Sentence construction i.e. the rationale behind the choice of statistic they use especially when writing about the negative effects of the policy	Economy frame	Protecting the industry from the negative economic impacts of the policy	*Strategy* – Market control and self-regulation

Molson Coors MIN41, pg.1 *Molson Coors is the <u>largest brewer</u> in the UK <u>with 2,300 UK employees</u> and <u>350 years of brewing experience</u>. We produce a diverse, highly regarded portfolio of beer brands, including the <u>UK's best selling [SIC] lager</u>, Carling, which is <u>brewed with 100% British barley</u>* *In determining the right level at which to set a minimum price, we would urge policymakers to take account of the need to address problem prices and protect the rights of responsible adults to enjoy a drink with friends and sustain a responsible, community building industry that delivers secure jobs.*	The extracts show significant expressions or markers of power and reach e.g. longevity, size, and expertise	*Problem definition* – MUP would be beneficial *Moral Evaluation* – to address problem prices and sustain a responsible industry *Causal interpretation* – problem prices drives alcohol misuse *Treatment recommendation* – government legislation supported by on-going consumer education *Syntax* – sentence formation *Stereotypes* – use of signals that could introduce unconscious bias e.g. "largest brewer"	Economy frames	Protecting their business and consumers interests, while promoting an overall positive outcome for consumers (e.g. enjoyment) and society (e.g. jobs)	*Strategy* – Government regulation to ensure equitable standards, complemented by consumer education.

Appendix 8: Sample quotes and interpretations in line with Vaara et al. (2006); Deephouse et al., (2017) and Suchman (1995)

Actors	Quotes	Vaara et al. (2006)	Deephouse et al., (2017) and Suchman (1995)
Policymakers	… they did take different views; those that export was against, and those that were in support, like Tennent Caledonian[55], I think that was logical. For some Scottish business with a high-end product if the cheaper products are forced to be more expensive that would probably help the better-quality products (MSP 2).	Normalisation	*Cognitive legitimacy* – Comprehensibility (competition is taken for granted).
	I make it clear at the outset, as I hope I have been clear all along, that the Scottish Government is not anti-alcohol. We are not against drinking, but we are very much against the problems that are associated with excessive consumption of alcohol (Parliamentary debates 14/03/2012 - Nicola Sturgeon, pg. 7204).	Rationalisation	*Cognitive legitimacy* (acceptance of alcohol as a tradition), and *Moral legitimacy* (moralisation of the problems of alcohol)
	The Financial Memorandum that accompanied the Bill on introduction suggests that most consumers of low cost [SIC] alcohol do not purchase drink online (HSC report, paragraph 215).	Authorisation	*Cognitive legitimacy* -Reference is made to an authority (i.e. the Financial Memorandum) to appease and/or provide 'reasoned explanation' to industry concerns on the *unintended consequences*.
	I think we do trust the industry. I understand why the industry would be worried, although some MSPs were angry that the industry took it [the MUP policy] to court, after the judgement came out, the anger all evaporated away (MSP 1). I think they [SWA and SGF] lost a lot of credibility with members of the committee, certainly myself (MSP 3) – this was in response to the issue of pre-loading i.e. drinking at home prior to going out for further drinks.	Moralisation	*Moral legitimacy* – the policymakers provide justification and excuse industry actors behaviour.
	Should the bill become law, the Committee considers it crucial that the impact of minimum unit pricing is evaluated, particularly its impact on harmful drinking, including establishing whether and the extent to which the policy has resulted in savings to the NHS and the justice system (FC report, paragraph, 35).	Narrativisation and Rationalisation	*Pragmatic legitimacy* - evaluation of benefits and harm

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[55] Tennent Caledonian's is predominantly a Scottish based business with limited or no export business side at the time (i.e. prior to its takeover by the C&C group).

Alcohol Industry actors	MUP was an issue of such enormous importance to our members, we felt it was good to challenge the government even if there were some reputational downside as a result. It was definitely worth tackling and taking up with the Scottish Government for the long-term interests (Participant 4)	Rationalisation and Moralisation	*Pragmatic and Moral legitimacy* – To protect exchanges and propriety
	MUP is a complex social issue with multiple interwoven firms, and as a result there is bound to be a very broad spectrum of perspectives which does not make the other actors more or less legitimate (Participant 7)	Normalisation	*Cognitive legitimacy* – provides explanation to cleavages. Normalises cleavages as an element of competition within a heterogenous organisation (taken-for-grantedness)
	When asked about their perception of other industry actors, in case of future collaborations, one interviewee responded drawing from past experience i.e. the Scottish MUP debate "…there is this whole element of trust with the other industry because it seems to the whole [named trade association] that last time we were left to fight the battle and take the costs and the bad publicity and all the hassles" (Participant 1).	Moralisation, Normalisation, and Rationalisation	*Pragmatic legitimacy* – self-interested calculations on what they stand to lose/achieve in the absence/presence of trust between the different actors *Moral legitimacy* – makes a normative evaluation of their reputation and identity
	"Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States) and the World Trade Organisation (WTO) rules (written submission to the HSC by Diageo pg. 3; SABMiller paragraph 23, and WSTA MIN93 paragraph 1.9).	Rationalisation, and Authorisation	*Pragmatic legitimacy* – highlight the legal consequences of quantitative restriction *Moral legitimacy* – they protect their proprietary by embedding their organisation within a credible institution (i.e. the WTO)
	When asked about their organisation's position on MUP, the interviewee's account was extensive but not dramatic. Our position, I guess we could see that it would benefit our business, erm particularly because one of our brands … which is number 1 in the UK market in scotch and the biggest brand in Scotland and we could see that MUP would actually help that brand, … but we could also see some concerns around a number of different areas. One of the prime concerns was how spirits are taxed using the duty regime ... We also feared I	Narrativisation Moralisation	*Moral legitimacy* - raises moral question (i.e. in principle …). The actor communicates authoritatively and speaks as a matter of fact (explain) *Pragmatic legitimacy* – considers the benefit of the position of their organisation

guess excessive government interference on pricing … we worried about the government basically deciding the prices of our product erm not that it would affect us very much but as a principle, it's not one that any business I guess is keen on that government sets the price … (Participant 1 – opposing actor – see appendix 5, page 1, right column for full response).

Source: Author

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LIST OF WRITTEN SUBMISSIONS

BBPA - ALCOHOL TAXATION IN THE UK Why alcoholic drinks are not, and should not, be taxed solely on equivalent alcohol content. October 2010.

Campaign for Real Ale (CAMRA) - Alcohol (Minimum Pricing) (Scotland) Bill MIN14.

Chivas Brothers Ltd and Pernod Ricard UK - Alcohol (Minimum Pricing) (Scotland) Bill MIN19.

Co-operative Group - Alcohol (Minimum Pricing) (Scotland) Bill MIN26.

Dave Bremner - Alcohol (Minimum Pricing) (Scotland) Bill MIN10.

Diageo Response to the Health and Sports Committee's call for Evidence on the Alcohol (Minimum Pricing) (Scotland) Bill.

Jonathan Stewart - Alcohol (Minimum Pricing) (Scotland) Bill MIN83.

Molson Coors Brewing Company (UK) Limited - Alcohol (Minimum Pricing) (Scotland) Bill MIN41.

National Association of Cider Makers (NACM) - Alcohol (Minimum Pricing) (Scotland) Bill MIN43.

SABMiller - Alcohol (Minimum Pricing) (Scotland) Bill.

Scotch Whisky Association - Alcohol (Minimum Pricing) (Scotland) Bill MIN65.

Scotch Whisky Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism.

Scottish Beer and Pub Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism.

Scottish Beer and Pub Association (SBPA) - Alcohol (Minimum Pricing) (Scotland) Bill MIN68.

Scottish Grocers' Federation - Alcohol (Minimum Pricing) (Scotland) Bill MIN70.

Scottish Licensed Trade Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism.

Scottish Licensed Trade Association Alcohol (Minimum Pricing) (Scotland) Bill MIN72.

Scottish Retail Consortium - Alcohol (Minimum Pricing) (Scotland) Bill MIN75.

Tennent Caledonian Breweries UK - Alcohol (Minimum Pricing) (Scotland) Bill MIN85.

The Edrington Group - Alcohol (Minimum Pricing) (Scotland) Bill Response to the Health and Sports Committee's call for Written Evidence – Draft.

Whyte and Mackay - Alcohol (Minimum Pricing) (Scotland) Bill MIN92.

Wine and Spirit Trade Association - Alcohol (Minimum Pricing) (Scotland) Bill MIN93.

Wine and Spirit Trade Association - Alcohol (Minimum Pricing) (Scotland) Bill Pricing mechanism.

WM Morrison Supermarkets - Alcohol (Minimum Pricing) (Scotland) Bill MIN94.

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- NACM - pages 31 to 35 (Duplicate copy of MIN43).
- SGF - pages 49 to 52. (This submission was followed by a duplicate copy of response (MIN70) already submitted to the HSC pages 52 to 57).
- SWA - pages 58 to 64
- WSTA - pages 67 to 73
- WSTA Appendix A - paged 74 to 78