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Morals in the United States of America Are they in their death throes?

Abstract

This article explores the ethics of large complex systems in the United States of America in three major case studies: the food industry, the pharmaceutical industry and the political/governmental institutions. Using the simple Aristotelian heuristic of good sense, good character and good will, the conclusion is that ethics is not a high priority due in large part to the relentless pursuit of large sums of money at any cost.

Keywords: ethos, conditioned overeating, hyperpalatable, marketing, fraud, bribery, Citizens United, super PACs, lobbyists

JEL Classification: A13, Z13

1. Introduction

This article will explore the current state of ethics by examining three exemplary cases in politics and government in the United States of America (USA). For the purpose of this paper, Ethics will be defined as a set of moral principles that guide behavior. For the examination of exemplary cases the discussion will focus on the behavior as the primary indicator of whether moral principles guide behavior. There are countless definitions of ethics. The original classic is Aristotle's *Nicomachean Ethics*.

In Aristotle's *Rhetoric*, he defines Ethos of consisting of three key components: (1) Good Sense, or applied wisdom; (2) Good Character, or virtue; and (3) Good Will, or acting in the best interests of the public. While these elements were applied to oratory in the *Rhetoric*, they seem to be a simple clear manner by which to judge whether someone or some entity is behaving ethically.

2. The food business

Nicholas Freudenberg is a Distinguished Professor of public health at the City University of New York School of Public Health and Hunter College. In 2014, he published an important book entitled *Lethal but Legal: Corporations, Consumption and Protecting American Health* (Freudenberg, 2014). This well-researched book delineates some important cases for examination. The first issue he covers is the manufacture of unhealthy food.

Food companies now produce twenty times as many new products as they did in 1970, approximately 20,000 new products per year. Supermarkets stock five times as many products as they did 20 years ago or an average of 38,000 food products (Fuller, 2011). Barber (2007) called the current state "consumer narcissism" which he said is due to the influence of capitalism. He says more plainly that "It is an ethos of induced childishness that is closely tied to the demands of capitalism in a global market economy" (p. 3). MacDonald's Cinnamon Melt is a breakfast food composed of 50 different ingredients. Food companies are gathering input from biochemistry, neuroscience, and evolutionary biology as well as other diverse fields in applied food technology to create and sell more food to the consumer (Freudenberg, 2014). One of the results of this scientific food development is the direct contribution to the world's most serious health problems. The proper blending fat, salt and sugar along with other food additives has generated in all of us greater psychological and physiological rewards when eating the so called hyperpalatable foods (Freudenberg, 2014). This led former FDA Commissioner and former Dean of the Yale School of Medicine to conclude that the food industry is triggering supernormal stimuli to engage us in "conditioned overeating" (Kessler, 2009). The proper mix of fat salt and sugar is useful to the hyperpalatable food producers is part of the input evolutionary science. In the Stone Age there was an environment of scarcity we needed sugars fats and salts to survive and we sought it out. But now our Stone Age bodies which have not evolved live in a space age environment in which sugar fat and salt are extremely plentiful and the overabundance has generated diet-related chronic diseases. These diet-related diseases include cardiovascular disease, high blood pressure, type 2 diabetes, some cancers, and poor bone health (Center for Disease Control, 2015). So while we are increasing our health risks, the Food Industry is making a fortune (Lieberman, 2012).

Freudenberg (2014) cites several examples of foods that entice, here are three:

- (1) Cinnabon's classic cinnamon roll made from cinnamon, brown sugar, cream cheese, high fructose corn syrup, salt, soy oil and 45 other ingredients results in a product with an enticing smell from 600 locations in hotels and airports. The product has 880 calories (about 1/3 of the recommended daily intake), 36 grams of fat (about half the recommended intake of total fat but most of this is saturated fat—the most unhealthy type), 59 grams of sugar (over double the recommended intake), and 830 milligrams of sodium (just over 1/3 of the recommended daily intake).
- (2) Carl Jr's and Hardees offer a Monster Thickburger at 1420 calories and 107 grams of fat. They moved from the lowest to the highest ranked fast food restaurant by young people and their stock rose 7.7% over the following year.
- (3) Sadly, the reverse is also a problem. In 1991 McDonald's introduced a heart-healthy "McLean Deluxe," 310 calories and only nine grams of fat. It was the highest priced item on the menu and it did not sell so it was removed from the market and McDonalds continued to market the high fat burgers.

The key here is that profits rule over public health. Hyperpalatable foods offer far more profits with cheap fats and sugar than do the more healthy choices. In addition, the food industry can offer foods that produce obesity and then market foods that claim you will lose weight. The food companies more often than not exaggerate the health claims for their food products (Freudenberg, 2014).

Indeed, marketing is a big part of the issue with these companies that manufacture all those foods that threaten public health. Marketing is omnipresent—especially now with social media and constantly engaged communication technology and product ads going viral based on the data mining of the consumers that social media gather. This does not include the product placement in our television programs and movies. Marketing is also addicting because we return again and again. Sugar saturated sodas and candies and high fat foods are addictive (Barber, 2007). In fact some foods leave you hungrier after you consume it than before ("Eat This, Not That," ND) and some flavorings may be inducing obesity and overeating referred to by Mark Shatzker as the "Dorito Effect" (Welch, 2015). Marketers are relentless when it comes to selling product. They pay slotting fees to have their products on center aisles and eye level, they use neuroscience to see how the brains react when consuming certain products and pay scientists to blend just the right mix for hyperpalatable products.

Harms from these products abound. Red Bull energy drinks claim to improve performance and concentration make you feel more energetic but it also appears to cause heart problems and convulsions (Dikizi et al., 2013). Corporations that market unhealthy products to children like viral marketing so they can bypass the parents who might censor. Studies show that children as young as four years of age prefer food packaged in McDonald's labels to exactly the same food wrapped in a plain wrapper (Freudenberg, 2014). The yellow dust on Cheetos makes them

more attractive to consumers but that same yellow dust worsens hyperactivity in children (Harris, 2011). The diseases of obesity, Type 2 Diabetes and heart disease are all on the rise in the USA. The rate of Diabetes has tripled over the last 50 years according to the CDC. Obesity had leveled off but is on the rise again according to WebMD. Heart disease is the leading cause of death in the world.

Using the proposed heuristic of good sense, good character, and good will, the food industry may be using good sense as food science and marketing tactics are being utilized very effectively. However, as one can see from the examples cited there is no good will intended for the consumer as she is an income stream, not a person for whom the industry holds the public trust. It is also clear there is no good character exhibited when the goal is to increase consumerism at any cost.

3. Big Pharma

Kristin Compton (2018) wrote a piece on the pharmaceutical industry that should be read in its entirety. The following are the opening paragraphs.

Big Pharma is one of the most powerful industries in the world. The global revenue for pharmaceuticals was over \$1 trillion in 2014. But nowhere else in the world do the drug and medical device industries have as much power and make as much money as in the U.S.

Six of the top 10 pharmaceutical companies for 2017 have their headquarters in the U.S. These include Johnson & Johnson, Pfizer, Merck, Gilead, Amgen and AbbVie.

But only 28 percent of Americans have a good opinion of Big Pharma. In fact, Big Pharma is the second most hated industry in America. It's right behind the tobacco industry and the oil, gas and chemical industry.

Big Pharma is also the biggest defrauder of the Federal Government under the False Claims Act, according to consumer watchdog group Public Citizen.

The industry has a history of fraud, bribery, lawsuits and scandals. Despite criminal charges and fines, Big Pharma companies continue to do business.

What is even more amazing than their net worth is annual income. According to the same article, Johnson and Johnson made 76 billion dollars in 2017, Pfizer made 52 billion, AbbVie made 28 billion last year, Gilead Sciences made 25 billion and Amgen made 22 billion dollars.

The British Medical Journal (now, BMJ) suggested that the Pharmaceutical Industry is selling sickness. That they are in fact "actively involved in sponsoring the definition of diseases and promoting them to both prescribers and consumers. The social construction of illness is being replaced by the corporate construction of disease" (Moynihan, Heath & Henry, 2002).

Freudenberg (2014) conceded that modern drugs have save hundreds of thousands of lives, but that is no reason to excuse or ignore practices and products that harm health. He also stated that the FDA noted that each year hundreds of thousands of deaths and injuries have resulted from prescriptions. Hence, prescription drug mortality is a leading cause of in the US death (Kay, 2017) which also cost billions in extra healthcare costs. And, while the practices of patients, doctors and healthcare institutions contribute to the issue. The pharmaceutical industry often contributes by promoting inadequately tested drugs to manage chronic conditions. The paper will look at marketing to both consumers and physicians. However in this decade one cannot possibly ignore the opioid crisis.

The National Safety Council reported that the opioid crisis is worsening. More than 42,000 Americans died of an opioid overdose in 2016, and government and public health officials are scrambling to find effective ways to reverse this trend. The National Institute for Health (NIH, 2018) stated:

Every day, more than 115 people in the United States die after overdosing on opioids. The misuse of and addiction to opioids—including prescription pain relievers, heroin, and synthetic opioids such as fentanyl—is a serious national crisis that affects public health as well as social and economic welfare. The Centers for Disease Control and Prevention estimates that the total “economic burden” of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement.

Again according to the NIH, in the 1990’s Big Pharma assured health care providers that patients would not become addicted to opioid pain killers and so doctors began to prescribe them more often. The result was that by 2015 33,000 died from opioids and two million suffered from opioid substance abuse disorders.

Simon (2017) reminded us that this is not due solely to the Pharmaceutical Industry as there was a perfect storm: “lax health-industry accreditation standards, the treatment of pain as a “fifth vital sign,” the practices of insurance companies, and the transformation of our health-care system into what is essentially an assembly line.”

Nevertheless, as the drug companies assured the healthcare industry these drugs were not addicting, they are in fact culpable.

Finally, we can see a host of issues regarding marketing pharmaceuticals, including (Freudenberg, 2014):

- (1) Encouraging doctors to use drugs for purposes other than approved by the FDA.
- (2) Pervasive misrepresentation of scientific evidence on drug efficacy.
- (3) Squelching unfavorable research results and/or cutting off research funding.
- (4) Marketing directly to the consumer on television (no other first world country allows TV advertising of prescription drugs).
- (5) High pressure sales to Medical Doctors including lavish parties and free vacations to advocate for prescribing their products.

(6) Paying other companies not to manufacture generics so Big Pharma can continue to charge higher prices even after their patent expires.

(7) Underrepresenting dangerous side effects.

Again the focus returns to the heuristic. Good Sense—probably good from the capitalist model. Good Will—these practices violate Hippocrates admonition to do no harm. Good Character—hardly with bribes, lawsuits, fraud and scandals.

4. The US political landscape

According to the Brennan Center for Justice at the New York University School of Law (2018):

There is a growing disconnect between average citizens and elected officials. Part of the blame lies with a campaign finance system that unfairly stacks the deck in favor of the few Americans able to give exceptionally large contributions. *Citizens United* and other court rulings have obliterated decades of commonsense campaign finance laws. Now a handful of wealthy special interests dominate political funding, often through super PACs and shadowy nonprofits that conceal donors' identities from the public.

The influence of big money has redefined the election process in the USA. CBS News reported that 6.8 billion dollars was spent on the 2016 election. That is the federal election only not state races. The Clinton-Trump race alone had a price tag of 2.65 billion dollars. Donald Trump spent less than expected because he got so much free television coverage. The Citizens United case basically ended all campaign finance restrictions, and Super PACs are on the rise. As more money becomes the key to winning in politics, voters' cynicism becomes more pronounced. According to Gallup, the majority of Americans have negative views of both presidential candidates. Only 31 percent thought the election process was working as well as it should, nor were the costs perceived as justified (Berr, 2016). With such a high price tag in order to win a major race (House and Senate races spent about 4.26 billion) one has to ask what the donors expect in return.

The Center for Responsive Politics website OpenSecrets.org stated that one million dollars was donated to President Donald Trump's inaugural committee and was orchestrated by a set of powerful conservative legal activists who have since been put in the driver's seat of the administration's push to select and nominate federal judges (Maquire, 2018).

Foreign lobbyists and agents acting on behalf of foreign interests have reported 534.7 million dollars in payments between January 2017 and August 2018. This is according to an analysis of OpenSecrets' exclusive new Foreign Lobby Watch data. The foreign lobbyists and their agents are donating in order to wield a significant influence to affect economic and diplomatic policies as well as public opinion. The top ten foreign donors include (in rank order) South Korea, Japan, United Arab Emirates Israel, Ireland, China, Cayman Islands, Saudi Arabia, Can-

ada and Germany (Massoglia & West, 2018). Of course these data are reflective of the legal contributions which are required by Federal law to be reported. There is yet no solid evidence of Russian money but there are suspicions, based upon current investigations into election tampering and Trump campaign staff under investigation. There are also unanswered questions about why a platform of the Republican Party changed to delete tough language on Russian sanctions. All this is innuendo but the facts may come to light as there is much investigating going on in the press and in the Department of Justice.

In addition, there are the so-called dark money donor groups who spend millions to shape our elections without revealing where their money comes from. It is difficult to know what that money influences or why it is given. At the same time the National Rifle Association has clear goals for their money and that is to prevent gun control. Cox Media Group reported that in the 2016 election, the NRA spent \$11,438,118 to support Donald Trump's campaign and donated \$19,756,346 to groups opposing Hillary Clinton's. However, the bulk of the contributions have gone to House and Senate members. The top ten were all Republicans. As of June 28, 2018 there were 154 mass shootings in the US. Many groups have called for gun control, background checks, smaller ammunition clips, and the end to the sale of bump stocks which turn semi-automatic weapons into automatic weapons. The majority Political Party has paid no attention to the gun safety advocates and the NRA money is very likely the reason.

From a careful observer's eye, the author notes the following, some of which may be in dispute for some, even though they are all common knowledge. Nevertheless it is reflective of the quagmire that politics has become.

It is hard to tell where the money issue ends and polarize partisanship begins. For 72 weeks, Congressional Committees investigated Hillary Clinton's culpability in the raid on the Benghazi Consulate (the longest running investigation in our history) and found nothing. Now the polarized members of Congress are battling to a standstill for their party's point of view on Russia. The common refrain on both sides is put partisanship aside and put country first. For the most part, we are still at loggerheads on almost all major issues.

The President has made it clear that he does not respect the press with his label "fake news." He has said disrespectful things about immigrants, set a no tolerance policy on them that separated children from their parents. The states are restricting voter access through voter ID and gerrymandering, the voting rights act which protected minority voting rights was significantly weakened by a recent Supreme Court decision. Flint Michigan still has dangerous levels of lead in their water. The EPA is deregulating environmental protection oversight, agricultural runoff has polluted fresh water in Florida hurting tourism because of an awful smell of blue green algae. We are withdrawing from agreements with our allies, and tariffs are creating hardships on our farmers. The tax reform bill just passed this past year gives far more to the wealthy. In the process the national debt increased by over a trillion dollars. Now the majority party is considering cutting

Medicare and Social Security, to pay for the tax cuts. Teachers are underpaid to the point they needed financial aid from the government in many states, prompting walkouts and strikes.

The conclusion from the evidence documenting money and politics and the list of issues offered in the news every day is this: Our political system is not acting in the interests of our nation and our world. No good sense, no good character and no good will.

5. Discussion

One might argue that ethics is not as important in the eyes of the USA as it once was. Certainly, there is an argument to be made that the pursuit of money is the root of our ethics woes. While we examined the food, pharmaceutical and political industries, one could easily raise equal concerns about the automobile industry, the tobacco industry, the firearms industry, and the petrochemical industry just to name a few. In an article on survey results of the ethical beliefs of business students, Johns and Strand (2000) wrote in their abstract that “gaps in professional and moral standards are perpetual problems across many sectors of society” (p. 315). Barber (2007) would argue otherwise. He suggested in his work that the USA used to be driven by traditional what he called “protestant values,” meaning hard work and honesty were more valued than in our infantilized hyper-consumer culture. Perhaps we could re-assess the value of the way capitalism drives us to seek profit over morality. In fact it is worth considering whether all industries and private businesses should be for profit.

Certainly that is true of pharmaceuticals, as noted by Lupkin (2016):

The “most important factor” that drives prescription drug prices higher in the United States than anywhere else in the world is the existence of government-protected “monopoly” rights for drug manufacturers, researchers at Harvard Medical School report today.

One of the most important conclusions of the Harvard Study is that drug companies in the US are unlike any other country in the world in that they set their own price points for prescription drugs (Lupkin, 2016).

However even more importantly regarding the pursuit of money driving out ethics concerns is the way money influences politics can politicians take advantage. We have rarely seen the like of President Trump and his family and his cabinet taking advantage of their government roles to “pad their wallets.” The coming legal reviews by the new Democrat-controlled committees in the House of Representatives can offer to shed light on what is happening and what the consequences should be.

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