

26 January 2005

Our Ref: MB/6/NEC/01/01

Beverley Mirando
Senior Policy Advisor
Nestlé (UK)
St. George's House
Croydon

Dear Beverley,

I understand that you and Hilary spoke to students at the University of East Anglia recently in an attempt to undermine support for the boycott. I am reliably informed that you claimed that Baby Milk Action no longer has any concerns about Nestle's policy on the International Code of Marketing of Breastmilk Substitutes in developing countries and outstanding concerns relate to developed countries. As you well know this is completely untrue. That you make such a claim demonstrates both Nestle's dishonesty and desperation as it attempts to counter the boycott.

I have written to you and Hilary several times in recent years encouraging Nestle to accept Baby Milk Action's four-point plan aimed at saving infant lives and ultimately ending the boycott. As you know the first two points ask Nestlé:

1. To accept in writing the World Health Assembly position that the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions are minimum requirements for all countries.
2. To accept in writing that Nestle's policies and practices are not in line with the Code and Resolutions and need to be changed.

You have so far failed to give these undertakings, even when asked to reply with a simple 'Yes' or 'No' answer to whether you accept them.

Our concerns relate to Nestle's practices in developing countries as well as in industrialised countries. With our partners in the International Baby Food Action Network (IBFAN) we have set out in writing a legal opinion demonstrating how Nestle's own instructions fall far short of the *International Code* and Resolutions. UNICEF has also set out to Nestle in writing some of the areas where Nestle's policies are not in line with the Code and Resolutions, in developing and industrialised countries. UNICEF made similar points at the European Parliament Public Hearing into Nestle malpractice in November 2000, which Nestle was invited to attend to present its own policies, but refused to do so, objecting to the presence of IBFAN and UNICEF at the hearing.

IBFAN's latest monitoring report, *Breaking the Rules, Stretching the Rules 2004*, demonstrates with reference to Nestle's own promotional materials, the systematic and institutionalised disrespect for the Code and Resolutions in developing and industrialised countries. Such irresponsible promotion, which puts company profits

before health, contributes to the unnecessary death and suffering of infants and young children around the world.

When we have debated these issues, I have had the opportunity to make these points clearly myself. When you speak without us being present I request that you do not misrepresent our position and falsely suggest Baby Milk Action approves of Nestlé's policies in developing countries.

Nestlé's claims about its baby food marketing practices do not stand up to scrutiny, which is why you have lost every debate on this topic. However, we are more than happy to give time to a thorough examination of the evidence in a way that cannot be achieved in the short timescale available at debates.

I repeat the invitation made at past debates that we convene a public tribunal into Nestlé's baby food marketing practices where expert witnesses can present evidence before an independent panel. The purpose is not to negotiate over interpretation of the Code and Resolutions (it is the World Health Assembly that provides clarification on interpretation in subsequent Resolutions and UNICEF which is mandated under Article 11.1 of the Code to provide support to governments on interpretation, employing a Legal Officer for this purpose). Nor is it to negotiate over the boycott. Nestlé's continued malpractice and strategy of denials and deception clearly demonstrate to us the importance of continued boycott action.

The purpose of the tribunal is solely to ascertain who is telling the truth. Nestlé when it claims to market its products ethically and responsibly (a claim already discredited before the Advertising Standards Authority) or Baby Milk Action in claiming Nestlé continues to violate the Code and Resolutions in a systematic and institutionalised manner, putting its own profits before infant health. If you believe you can win this argument then I see no obstacle to Nestlé taking part in such a tribunal. It is disappointing that Nestlé has not responded favourably to this suggestion so far.

I ask you to reconsider and to give an undertaking not to misrepresent our position when we are not present to set the record straight.

Yours sincerely,

Mike Brady
Campaigns and Networking Coordinator
Baby Milk Action

CC: University of East Anglia Student Union
Peter Brabeck, CEO Nestlé S.A.