

Campaign for ethical marketing

BABY MILK
ACTION



March 2008

According to the United Nations Children's Fund (UNICEF): "Marketing practices that undermine breastfeeding are potentially hazardous wherever they are pursued: in the developing world, WHO estimates that some 1.5 million children die each year because they are not adequately breastfed. These facts are not in dispute." You can help to stop marketing malpractice.

The International Code of Marketing of Breast-milk Substitutes was adopted as a 'minimum requirement' for all countries by the World Health Assembly (which sets the policy of WHO - the World Health Organisation) in 1981. The International Code aims to protect breastfeeding by restricting company marketing practices and to ensure breastmilk substitutes are used properly when these are necessary. A number of Resolutions address questions of interpretation and changes in marketing practices and scientific knowledge, and have equal weight to the International Code.

Nestlé: systematic violations and broken promises

Background: The latest global monitoring report from the International Baby Food Action Network (IBFAN) was published in November 2007. It is called *Breaking the Rules, Stretching the Rules 2007* and includes monitoring results from 67 countries gathered in the period since the last round-up report (June 2004 to October 2007).

The results show Nestlé and other companies continue to violate the *International Code* and Resolutions in a systematic and institutionalised way. Nestlé violations stand out as particularly widespread, unsurprising as it is the market leader, and bad in terms of the provisions of the Code that are broken. The company claims to support these measures in its own list of developing countries (it does not undertake to abide by them elsewhere despite the fact the Code makes no distinction between countries), but the results show that it does not do so. Here are just a few examples from the report, available at www.ibfan.org:

- In **Indonesia** a number of hospitals receive discounts from Nestlé for *Lactogen 1*, *Nan 1* and *Pre Nan 1* infant formulas. Health workers give free samples to mothers. Nestlé pays to be allowed to supply free *Nan* infant formula to newborns in a hospital in **Saudi Arabia**. In **Hungary** mothers receive samples of *Beba 2* formula through the mail (we campaigned on this in 1999 and will continue to press for action).

- In **China** Nestlé provides wrist bands for new borns with the Nestlé name and logo as used on formula (on some other products a small version of the logo appears with the customer services number, but not on the front of the label). Nestlé Nutritionist, Zelda Wilson, recently admitted when trying to convince a student union to end their support for the Nestlé boycott that the purpose of these low-value gifts: "is to keep the company name and products in people's mind."

- Nestlé provides magazine subscriptions (which include Nestlé advertisements) in **Lebanon**. In **Saudi Arabia** health workers receive invitations to gala events including free dinners in fancy hotels.

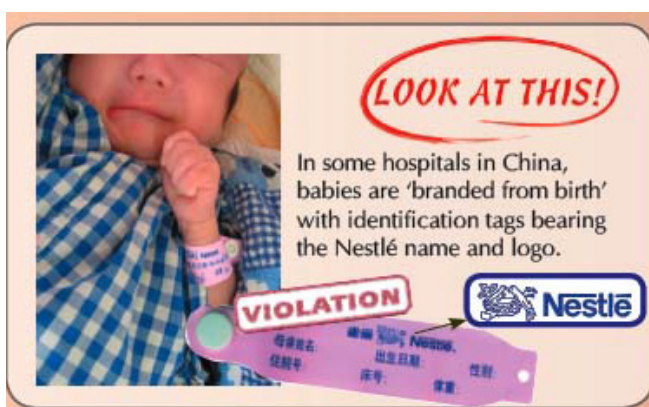
- In **China** *Lactogen* formula information leaflets are displayed in the nursing centre of the maternity ward of a hospital in Hefei. A card found in a doctor's office in Xianyang promotes *Nan* infant formula with the text: "Added DHA/AA makes the formula closer to breastmilk and promotes the development of the baby's brain". In advertisements in **Malaysia** Nestlé claims its *Lactogen* formula provides optimal brain development and visual acuity. These claims that were found not to be supported by the evidence in an independent Cochrane Library review of the ingredients.

- Nestlé claims it does not promote complementary foods before 6 months of age (it changed its policy after a 9-year campaign), but monitoring finds it continues to do so in some countries and in others down-plays the age of use information and uses pictures of young babies. In February 2008 it was reported it is launching a range of products called *NutriNes*, which: "will be aimed at infants over the age of four months."

Will Nestlé's new Chief Executive Officer, Paul Bulcke, change Nestlé's policies and practices? Send a letter to him - see overleaf.



Nestlé has admitted gifts such as this hand towel in Indonesia are intended "to keep the company name and products in people's mind." The similarity with the label of Lactogen infant formula, also from Indonesia, reveals how the strategy is designed to work. When the product is not mentioned by name, the gifts reflect the pack colours and use the Nestlé logo and name in the form that ONLY appears on the front of formula packaging. The same tactic is used with the wrist band from China shown below which has the Nestlé logo and name, as used on formula, with the child's birth details.



Will Nestlé's new Chief Executive comply with the Code?

Background: Nestlé's Chief Executive Officer, Peter Brabeck-Letmathé, is to stand down in April 2008, though he will continue as Chairman. In the past he has claimed to 'personally investigate any hint of a violation' of the marketing requirements for baby foods. Yet evidence suggests that investigations do not in reality take place, or Nestlé dismisses complaints by misrepresenting the provisions of the Code and Resolutions. Audits Nestlé pays for are done against its own Instructions instead of the Code and Resolutions.

For example, fliers for mothers promoting *Lactogen* formula found in Bangladesh and reported by *The Guardian* newspaper in 2007 are a clear violation of the Code, whether viewed as advertisements, educational material or information for health workers (violating Articles 4, 5, 6 and 7 of the Code). Similar fliers are reported in the *Breaking the Rules 2007* in the United Arab Emirates promoting *Nan* infant formula. The practice will clearly continue while Nestlé refuses to accept the provisions of the Code.

Nestlé's contempt for the Code is sometimes breathtaking. Article 5.3 states explicitly "*there should be no point-of-sale advertising*". Even Nestlé's own policy, which is weaker than the Code, states it does not: "*advertise or promote infant formula to the public*". Yet this shelf talker for Nestlé formulas appeared in Johannesburg in December 2007. It not only promotes infant formula, but the labels on the 'new improved' products it is advertising contain idealizing claims that violate Article 9 of the Code, such as the 'protect' logo, boasting of the claimed effect of added ingredients.



Baby Milk Action coordinates the 20-country international Nestlé boycott which has prompted some improvements to marketing practices and changes in policies.

The boycott focuses on Nestlé because it is responsible for more violations of the marketing requirements than any other company. It also uses its influence to undermine controls on marketing activities. If you are boycotting Nestlé products, such as Nescafé coffee, write and tell Nestlé.

Suggested letter to Mr Paul Dulke, Chief Executive designate, Nestlé S.A. Avenue Nestlé 55, Vevey 1800, Switzerland. Fax: +41 21 924 4800. Or see the comment form at www.nestle.com

In anticipation of you being approved as Chief Executive Officer by shareholders, I would like to welcome you to the post and call for one of your first acts to be to end your predecessors strategy of violating the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant World Health Assembly Resolutions. While Mr. Brabeck claimed to investigate any hint of a violation of these measures, the latest monitoring report and other evidence from the International Baby Food Action Network (IBFAN) shows Nestlé continues prohibited practices such as promoting formula in health facilities and retail outlets, giving gifts to health workers (which your Zelda Wilson recently admitted are intended to promote products) and giving free samples and free or reduced cost supplies.

Labels contain idealizing text and images, while failing to warn those who do use powdered formula that it is not sterile and the simple steps to reduce the risks.

Your expected appointment offers Nestlé a new opportunity to accept the four-point plan put to it by coordinators of the international Nestlé boycott and I would encourage you to do so. Until such a time, I will continue to boycott Nestlé products.

Danone/NUMICO and the Code

Background: The bad news from the *Breaking the Rules 2007* report is that Nestlé is driving down standards. As NUMICO (the owner of Nutricia, Milupa and Cow&Gate brands) tries to compete, particularly in Asia, the number of violations has increased.

Some recent good news is that Danone, new owners of NUMICO and itself a violator of the Code and Resolutions, has responded to a recent letter from Baby Milk Action. We wrote to it with a four-point plan similar to that put to Nestlé to bring its baby food marketing activities into line. While Nestlé has rejected the plan, Danone responded: "*The Group is well aware of the extremely important issues associated with this activity, and is looking to conduct a root and branch review of its corporate mission in the baby foods field.*" We are looking for a written commitment to the Code and Resolutions before meeting.

Suggested letter to the man responsible: Frank Riboud, CEO, Danone, 7 rue de Teheran, 75381 Paris, France. Fax: +33 1 42 25 67 16 or via www.danone.com

I understand from Baby Milk Action that Danone is conducting a 'root and branch review' of its activities in the baby foods field following its takeover of NUMICO. This is welcome news and I encourage you to accept the proposals put to you by Baby Milk Action for coming into compliance with the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions. In particular I ask that you accept, in writing, the validity of these measures as minimum requirements for all countries and that the policies and practices of Danone and NUMICO need to change. This will provide a basis for further discussion.

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Web site: www.babymilkaction.org - includes an on-line shop.

Please send copies of correspondence to Baby Milk Action