

Campaign for ethical marketing

BABY MILK ACTION



September 2006

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*.

Gerber (Novartis) pushes bottles and fails to act on '6 months' requirements

Background: The *International Code of Marketing of Breastmilk Substitutes* prohibits the promotion of products within its scope, which includes feeding bottles and teats. One of the companies found to be particularly aggressive in pushing feeding bottles is the company Gerber, a subsidiary of Swiss Novartis. It advertises in print and on the internet, using idealising text and images and encouraging parents to supplement breastfeeding with bottles.

On its website it draws equivalence between its Nuk teats and breastfeeding, claiming the are: "Shaped like mother's nipple when breastfeeding". It refers to its bottles as 'baby friendly', an expression associated with UNICEF's Baby Friendly Hospital initiative, stating: "Generations of parents have chosen Gerber for their bottle feeding needs. Whether parents are looking for convenience, style or baby-friendly design, Gerber is the brand they prefer."

Gerber uses images of fathers feeding infants (picture shown right accessed 27 September 2006). It promotes its bottles as convenient for other family members to feed the infant, stating:



"Let others help: Many dads, grandparents and other caregivers can bond with baby by taking part in the feeding process. They can help by giving a bottle of expressed milk or formula in the early evening or in the middle of the night. This gives mom a chance to rest and gives other special caregivers an opportunity to feed baby and form emotional bonds."

Introducing bottles interferes with lactation and will cause a mother's milk supply to decrease.

Gerber claims its 'new traditions' bottle "makes it easy to go back and forth between breast and bottle" in this advertisement in Singapore from June 2004 (above right).

In reality introducing bottles makes it harder for a mother to continue breastfeeding. Health experts recommend cups are used.

Gerber targeted mothers at the Hong Kong baby expo during World Breastfeeding Week in August 2006 - exposed on the World Alliance for Breastfeeding Action's monitoring snapshot website (worldbreastfeedingweek.org).



Gerber encourages parents to sign up to its 'Growing up Gerber Club and receive special privileges' in this advertisement. Seeking direct or indirect contact with pregnant women and mothers of infants and young children violates Article 5.5 of the International Code.

The leaflet below for the Gerber Mothers' Club was found at the Hong Kong baby expo August 2006.

Gerber also produces complementary foods. Baby Milk Action has campaigned in the past for Gerber to abide by Resolution 47.5 adopted by the World Health Assembly in 1994 which calls for complementary feeding to be fostered from 'about 6 months' of age (see June 2003 sheet). This was reiterated in 2001 with Resolution 54.2 which called for exclusive breastfeeding for the first 6 months as public health policy. On its website Gerber has switched to promoting 'phases' without giving the World Health Assembly recommendations.

Suggested letter to the man responsible: Daniel Vasella, Chairman and Chief Executive, Novartis International, AG CH-4002 Basel, Switzerland. Fax: +41 61 324 80 01.

You can submit this on-line via the 'codewatch' section of the Baby Milk Action website www.babymilkaction.org



Novartis/Gerber is advertising feeding bottles on its website and in magazines in breach of the International Code of Marketing of Breastmilk Substitutes and subsequent, relevant Resolutions of the World Health Assembly.

It is seeking direct contact with mothers. It encourages parents to introduce feeding bottles, so undermining breastfeeding, and does not appear to give information on the age of introduction of complementary foods. Please rectify this immediately.

Nestlé and the Indian law on sponsorship

Background: Since 1997 the Indian Academy of Pediatrics has had a policy of refusing sponsorship from companies that make products covered by the Indian Infant Milk Substitutes Act (1992). This act was revised in 2003 and put the ban on sponsorship into legal force.

This does not appear to have deterred Nestlé. The law is very clear, stating (section 9(2)):

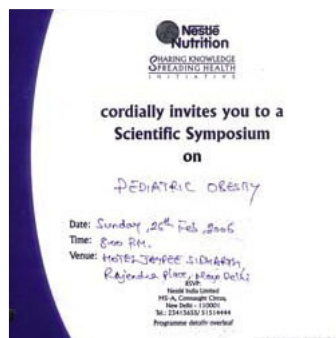
"...No producer, supplier or distributor referred to in subsection (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship."

India is amongst the first countries to implement World Health Assembly Resolutions 47.5 (from 1994) and 58.32 (from 2005) on care over conflicts of interest. Companies should be respecting these Resolutions independently of government measures.

In India Nestlé continues to try to sponsor health workers as documented in a recent briefing from the Breastfeeding Protection Network of India (BPNI). Nestlé planned to sponsor a presentation on liver disease at Ranchi in a three star hotel on 6 April 2006. The Indian Academy of Pediatrics took a strong view that the sponsorship was illegal. The local branch and guest speaker decided to go ahead without Nestlé and the event was sponsored by the hospital.

With less access to professional associations, Nestlé is running its own series of 'Scientific Symposium' - see invitation right. Despite the clarity of the law, Nestlé claims this is not an infringement.

Nestlé knows the value of close links with health



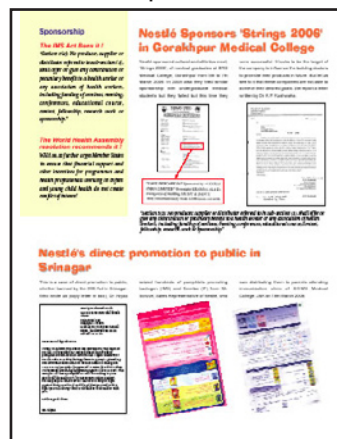
Baby Milk Action coordinates the 20-country international Nestlé boycott which has prompted some improvements to marketing practices and changes in policies.

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.

workers and tries to ingratiate itself while they are still in college. For example, in March 2006 it sponsored a music night for medical graduates at BRD Medical College, Gorakhpur. Such an event is surely covered by the 'contribution or pecuniary benefit' provision.

These contacts are important for the company because they provide a route for companies to reach mothers. Health workers may display company materials and be more inclined to recommend company products. Company representatives can also use their relationship with health workers to gain access to medical establishments.

However, in India many health workers are working to uphold the law. On 18 March 2006 a doctor seized leaflets being distributed by a Nestlé representative at an immunization clinic. The leaflets promoted Lactogen infant formula and Cerelac complementary foods and were being given to parents. Such promotion is prohibited. BPNI's briefing includes images of offending items and letters of substantiation.



Pursuing Nestlé through the courts takes a great deal of time. It is still contesting a legal action that began in 1995 over its failure to translate and put required warnings on infant formula labels. You can help to uphold the law by writing to the man responsible, Nestlé's Chief Executive Officer, who claims to investigate any hint of a violation.

Suggested letter: Peter Brabeck-Letmathé, Chief Executive, Nestlé S.A. Avenue Nestlé 55, Vevey 1800, Switzerland. Fax: +41 21 924 4800.

See the on-line version for links to Nestlé's comment form.

As you know World Health Assembly Resolution 58.32 calls for care: "to ensure that financial support and other incentives for programmes and health professionals working in infant and young-child health do not create conflicts of interest." One of the countries to act on this requirement is India, where the Infant Milk Substitutes Act prohibits: "any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship." However it is reported that Nestlé is sponsoring and attempting to sponsor such events in India.

In addition it is reported that leaflets for Lactogen infant formula have been distributed direct to parents. As you know seeking direct contact with mothers and producing and distributing promotional literature is prohibited.

I request that you respect the World Health Assembly measures and the Indian Law and change your policies and practices immediately.

Join Baby Milk Action to receive our *Update* newsletter. 34 Trumpington Street, Cambridge, CB2 1QY. £15 waged, £7 unwaged. Tel: (01223) 464420. Fax (01223) 464417.

E-mail: info@babymilkaction.org Web site: www.babymilkaction.org - includes an on-line shop.

Please send copies of correspondence to Baby Milk Action