

UPDATE

BABY MILK
ACTION

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Photo: IBFAN | calendar 2008, Boaz Tottem, Vietnam.

UK coalition calls for strong formula law

Philippines bans health claims, protects infants

Nestlé admits to being 'widely boycotted'

Research news: cancer, IQ & obesity



Baby Milk Action

Baby Milk Action is a non-profit organisation which aims to save infant lives and to end the avoidable suffering caused by inappropriate infant feeding. We work as part of the International Baby Food Action Network (IBFAN) to strengthen independent, transparent and effective controls on the marketing of the baby feeding industry. IBFAN has over 200 member organisations in more than 100 countries.



Baby Feeding Law Group

Baby Milk Action is the Secretariat for the **Baby Feeding Law Group**



which is working to bring UK legislation into line with UN Resolutions. BFLG members include consumer and mother-support groups and professional bodies such as the Community Practitioners and Health Visitors' Association, the Royal College of Midwives, the Royal College of Nursing and the Royal College of Paediatrics and Child Health and UNICEF's Baby Friendly Initiative.

International Code

We work for controls implementing the *International Code of Marketing of Breast-milk Substitutes (The International Code)*. This Code was adopted in 1981 by the World Health Assembly (WHA), the world's highest policy setting body. The *International Code* bans all promotion of breastmilk substitutes and was adopted as a 'minimum requirement' to be implemented by member states 'in its entirety'. The *International Code* and the subsequent relevant WHA Resolutions, which have clarified or extended certain provisions of the Code, must be considered together in the interpretation and translation into national measures.

Cover: Copyright: Boaz Tottem, Vietnam. www.boazimages.com One of the 12 full colour photos in the IBFAN Calendar 2008. Order on-line at:

www.babymilkaction.org/shop

Protecting breastfeeding

There is no food more locally produced or sustainable than breastmilk. A breastfed child is less likely to suffer from gastro-enteritis, respiratory and ear infections, diabetes, allergies and other illnesses. In areas with unsafe water a bottle-fed child is up to 25 times more likely to die as a result of diarrhoea. Reversing the decline in breastfeeding could save 1.5 million lives around the world every year. Breastfeeding helps fulfill the UN Millennium Development Goals and has the potential to reduce under-5 mortality by 13%. A further 6% of deaths could be saved through appropriate complementary feeding. Breastfeeding also provides health benefits to the mother, such as reduced risk of some cancers.

Protecting babies fed on formula

Breastmilk substitutes are legitimate products for when a child is not breastfed and does not have access to expressed or donor breastmilk. Companies should comply with composition and labelling requirements and other Code requirements to reduce risks - independently of government measures. Parents have a right to accurate, independent information.

Contact details

34 Trumpington Street, Cambridge, CB2 1QY, UK
Tel: (01223) 464420 Fax: (01223) 464417
info@babymilkaction.org
www.babymilkaction.org

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Update 40 was written by Mike Brady and Patti Rundall. *Update* is free to members and affiliates. It is available electronically at:

www.babymilkaction.org



New-look newsletter and gains in the Philippines

You will have noticed that Baby Milk Action's newsletter has shrunk in page size, but grown in number of pages. It is now in full colour and printed on recycled paper.

We hope you like the new format. It has been forced upon us by changes to postal rates in the UK, which make the old size newsletter far more expensive to send out. We will be developing the style to fit the new page size and the possibilities of colour and welcome your suggestions.

In this issue we report on the important protection won in the Philippines, where the Supreme Court has lifted a restraining order on Department of Health regulations for the marketing of baby foods. It took an international campaign to expose industry pressure on the President. We also focus on the UK law campaign where we are urging policy makers to follow the Philippines lead and put health before trade. Plus the usual nuggets of news from around the world and updates on the Nestlé boycott.

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Last chance to strengthen the UK baby milk regulations

As we report in the following pages, the campaign to strengthen the UK *Infant Formula and Follow-on Formula Regulations* is reaching its climax: the new law must be in place by 2008.

The law will probably be the hands of Members of Parliament when you get this *Update*, so please visit our website to see suggestions for contacting your MP. You can access the report *Protecting breastfeeding - Protecting babies fed on formula*, which we have submitted to the government consultation on behalf of the Baby Feeding Law Group, in our on-line Virtual Shop and make a donation to help us continue our advocacy for the protection of child health.

See: www.babymilkaction.org/shop

www.babyfeedinglawgroup.org.uk

**ACTION
POINT**



Consultation on strengthening the UK law

Baby Milk Action convened the **Baby Feeding Law Group (BFLG)** in 1997 to bring health professional and lay organisations together to campaign for the implementation of the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant World Health Assembly Resolutions in UK law.

In 2004, the BFLG won a commitment from the Government in its White Paper *Choosing Health* to strengthen the UK Law and the European Union *Directive on Infant Formulae and Follow-on Formulae* from which it derives. During the negotiations in Brussels to revise the EU Directive, the UK did push for most of the BFLG demands. However, the Commission, which chaired closed unminuted Expert Meetings, refused to accept the UK's evidence that follow-on milk and other promotion is undermining breastfeeding. The revised Directive (2006/141/EC) adopted in July 2006 is full of loopholes but must be implemented by 2008.

This issue highlights the conflict between trade and health at the heart of EU policy making. One aim of the EU is to harmonise trade rules and encourage the free movement of goods. But the EU Treaty also states that: *"A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities."* Baby Milk Action and UNICEF UK met the EU Commission's Head of Legal Affairs and Commission staff to discuss the Directive and the BFLG will meet the Public Health Minister, Dawn Primarolo in November. Baby Milk Action has submitted a complaint about the Commission to the European Ombudsman (See p10).



Protecting breastfeeding - Protecting babies fed on formula

We submitted this report (pictured above and available on line) to the consultation on behalf of the **Baby Feeding Law Group (BFLG)**. The 22 members of the Baby Feeding Law Group are:

- | | |
|--|---|
| Association of Breastfeeding Mothers (ABM), | La Leche League Great Britain (LLLGB), |
| Association for Improvements in the Maternity Services (AIMS), | Little Angels, |
| Association of Radical Midwives (ARM), | Midwives Information and Resource Service (MIDIRS), |
| Baby Milk Action (BFLG secretariat), | National Childbirth Trust (NCT), |
| Best Beginnings, | Royal Col. of Nursing (RCN), |
| Breastfeeding Community, | Royal Col. of Midwives (RCM), |
| Breastfeeding Network (BfN), | Royal Col. of Paediatrics and Child Health (RCPCH), |
| Community Practitioners and Health Visitors Association (CPHVA), | The Baby Café, |
| Food Commission, | UK Association for Milk Banking (UKAMB), |
| Lactation Consultants Great Britain (LCGB), | UNICEF UK Baby Friendly Initiative (BFI), |
| | UNISON, |
| | Women's Environmental Network (WEN). |

The submission was endorsed by the 37-member **Breastfeeding Manifesto Coalition**, which includes the above and the Royal Colleges of Obstetricians and General Practitioners, UNICEF, UNITE and others.

● Save the Children, UNICEF UK and NCT also sent a joint submission, *A weak Formula for legislation*, and hosted a web-based cartoon, *Little Jack*, about claims (see Page 6).



Health experts demand stronger regulations

Government expert advisors call for stronger regulations

The UK Food Standards Agency (FSA), an independent government agency which reports to the Health Minister, began a 3-month consultation on its draft proposals for the new formula regulations in July. The FSA has told the BFLG in meetings that it will implement the Code if there is a legal way to do more than simply transposing the text of the EU Directive. The BFLG report argues that Member States can do this if it is in the interests of health. Paragraph 27 and Art 1 of the Directive not only permit Code implementation but could be said to require it.

The FSA received 1,341 responses, including the BFLG 40-page submission setting out the legal case for strengthening the legislation and the economic and social benefits that could be expected. The UN Rapporteur for the Right to Food (Jean Zeigler) and the Government's Scientific Advisory Committee on Nutrition (SACN) also wrote (see below):

SACN response: *"There is no case for allowing the 'advertising' of follow-on formula... there is no scientific evidence demonstrating nutritional advantage of this product over infant formula...[both these] are breast milk substitutes as defined by the Code (which sets no upper infant age limit on this term)...We find the case for labelling infant formula or follow on formula with health or nutrition claims entirely unsupported. If an ingredient is unequivocally beneficial as demonstrated by independent review of scientific data it would be unethical to withhold it for commercial reasons. Rather it should be made a required ingredient of infant formula in order to reduce existing risks associated with artificial feeding. To do otherwise is not in the best interests of children, and fails to recognise the crucial distinction between these products and other foods."*
See www.sacn.gov.uk/position_statements/

BFLG recommendations:

- ban on all promotion of breastmilk substitutes (BMS) (including follow-on formula and specialised formulas)
- prohibit baby feeding companies from seeking direct or indirect contact with pregnant women, mothers, carers of infants and young children and other members of the public (including a clear ban on company 'carelines', pamphlets, mailshots, emails and promotional websites);
- prohibit baby feeding companies from offering sales incentives and bonuses or setting sales quotas linked to BMS for employees;
- prohibit idealising text and images on BMS;
- prohibit company-produced or sponsored materials on pregnancy, maternity, infant feeding or care (the Government must provide objective information, avoiding conflicts of interest in funding infant feeding programmes);
- where possible prohibit health and nutrition claims on foods for infants and young children. Require claims that must be permitted (because of the EU Directive) to be placed at the back of the package near the nutrition panel;
- require clear warnings that powdered formula is not a sterile product and may contain harmful bacteria, and give clear instructions on how to reduce risks from contamination;
- prohibit the promotion of names associated with BMS and their use on other products;
- prohibit promotion which could lead to products being used for babies under 6 months (marketing of complementary foods should not undermine breastfeeding);
- restrict information for health professionals to scientific and factual matters with no idealising text or images;
- prohibit promotion in healthcare facilities and gifts to health workers (allowing only single samples for evaluation);
- require a pre-authorisation procedure for all new ingredients and add authorised ingredients to the annex of EU Directive 2006/141;
- introduce regulations in line with the International Code for the marketing of feeding bottles, teats, dummies etc.



Why the law needs to change

BFLG monitoring project presents evidence of malpractice

Article 11.3 of the *International Code* requires that companies must “ensure that their conduct at every level conforms to” the Code’s provisions independently of government measures to implement them. This means companies should not be promoting their products or making direct or indirect contact with parents and should limit their activities to producing safe, clearly labelled products and scientific, factual information for health workers.

The BFLG monitoring project shows that companies violate the Code and Resolutions in a systematic way and that the weak UK law is too full of loopholes to stop this. Cow & Gate’s promotion in Tesco supermarket in September 2007 (below) is a good illustration. The claim ‘with prebiotic care to support your baby’s natural immune system’ is illegal if used on infant formula, and has been removed from labels. The Advertising Standards Authority (ASA) ruled against the claim when it was used in an advertisement for follow-on milks, because the research submitted by the company did not provide sufficient substantiation. There is currently nothing to stop the same claim being made in point of sale displays in supermarkets.



Claims such as ‘contains prebiotics’ could eventually be permitted by the *Nutrition and Health Claims Regulations (1924/2006)* on follow-on milks and baby foods - based only on evidence relating to adults.

● Companies obtain contact details for pregnant and new mothers, then bombard them with mailshots. The leaflet (right) arrived when the baby was four weeks old.



● Companies are putting new labels onto the market following the crackdown on illegal claims reported in UD39. The new Farley’s label (right) replaces the ‘closer to breast milk’ claim with ‘with Omega-3 LCPs’. See Page 11 for more on the lack of evidence on the benefits of LCPs in formula. The FSA approved the use of this and other front of pack claims ahead of the consultation on the new law, undermining the sensible call from the BFLG that any claims which have to be permitted be placed the back of the label alongside the nutrition panel. Companies argue that claims such as “For Hungry babies” are not nutrition claims. The BFLG report has more examples.



“Little Jack” the online cartoon by UNICEF, Save the Children and the National Childbirth Trust shows how claims mislead. Voiceover by Mariella Frostrup. www.savethechildren.org.uk/en/2576.htm





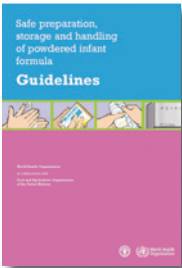
Companies do not inform parents of risks

Nestlé cleared in Belgium case - but cases settled in the US

The risk of contamination of powdered infant formula with *Enterobacter Sakazakii* came to our attention in 2002 when a 5-day-old child, Natan Geerinck, died from meningitis linked to Nestlé's *Beba* formula in Belgium (see UD 31). In October 2007 a Belgian judge rejected a legal action brought by Natan's parents against staff at the hospital and Nestlé. Nestlé had not provided warnings on labels about the known risks of contamination and the need to prepare the product with water that is greater than 70°C, but it had complied with legislation.

● In the USA, several cases have been successfully settled since 1999 using state legislation on product liability and common law negligence. In one case involving twins, one baby died and the other was seriously brain damaged. The cases have been taken on behalf of parents on the grounds of failure to warn of risks and defective products.

EU 'hopes for the best' as it blocks global safety standards



At the Codex Alimentarius Commission meeting in Rome in July the European Commission successfully blocked reference to the WHO Guidelines on the safe preparation of powdered infant formula¹ (left) in the infant formula standard, despite calls for this

essential and immediate safeguard from many developing countries, IBFAN and WHO. The EU representative, Basil Mathioudakis, said: "Let's adopt the Standard as it is and hope for the best." In Delhi in November the EU also tried to stop a requirement that follow-on formulas should meet the same microbiological criteria as infant formulas. An expert WHO/FAO consultation on follow-on formula use will now follow.

Philippines requires warnings

On page 12 we report on the decision by the Supreme Court in the Philippines. Amongst other things, the judge ruled in favour of the Department of Health's proposed warnings on the labels of powdered formula. The industry had attempted to strike down the requirement that it inform formula users of risks. The ruling said:

"... Section 26 of the RIRR merely adds a fair warning about the likelihood of pathogenic microorganisms being present in infant formula and other related products when these are prepared and used inappropriately...The [industry's] Petitioner's counsel has admitted during the hearing on June 19 2007 that formula milk is prone to contaminations and there is as yet no technology that allows production of powdered infant formula that eliminates all forms of contamination."

...and so will South Africa

The South African Government's draft proposals for its new law contain many excellent provisions including good warnings about contamination. To comment see 'Codewatch' on our website.

...but the UK soft pedals

The UK FSA guidance on the preparation of powdered formula, issued in 2005,² was followed in January 2007 with research on parents' understanding of the risks.³ The FSA has now proposed a voluntary agreement with companies to warn parents that the products are not sterile.¹ Based on its monitoring, the BFLG considers that a strong statutory requirement will be essential. In 2007 UK companies issued new labels. Only Hipp warns that the product is not sterile but instead of recommending mixing with water above 70°C as set out in the guidelines, it recommends 50-60°C.

1 www.who.int/foodsafety/publications/micro/pif2007/en/index.html
2 www.food.gov.uk/news/newsarchive/2005/nov/infantformulastateme
ntnov05 3 www.food.gov.uk/science/surveys/infantformula



You can't trust company carelines

Spot monitoring conducted by Baby Milk Action shows company carelines are being used to circumvent the ban on advertising of infant formula in the current UK law and provide misleading and dangerous information. Carelines are promoted heavily in advertisements, fliers, mailings to parents and on the internet. Parents are directed to them for information on infant care.

Baby Milk Action called the carelines in the role of a confused parent wanting to know the difference between the formulas on the market and the particular health claims made about the company's product.

As a subsequent question, we commented on the notice on Hipp labels that powdered infant formula is not sterile and asked if the same was true of the company's products and if any action was needed to reduce risks.

Aptamil: room temperature

Asked about the ingredient 'immunofortis - inspired by breastmilk' promoted on labels (right), the Aptamil advisor said it is: "Soluble fibres found in breastmilk" which "liaise with the immune system."



Asked about the difference between Aptamil and Cow & Gate, both made by NUMICO, she said: "They are the same blend. The basic ingredients, the trace ingredients are superior stock in the Aptamil. It is better ingredients than the Cow & Gate."

Asked about sterility and the need to use hot water, she said it wasn't necessary: "The reason we say 30 minutes is that is the optimum time. It is a health and safety issue, we don't want people scalding their hands. People can make it at room temperature."

Cow & Gate: cold water

The Cow & Gate advisor was asked about the claim that its formulas contain prebiotics and said that prebiotics are present in breastmilk, support the natural immune system and provide food for friendly bacteria. Asked if they are the same as in breastmilk "Yes, prebiotics are in breastmilk" and added that only Cow & Gate and Aptamil have them.

Asked whether Cow & Gate formula was sterile, she said "No formula is sterile." Asked if that was a problem, she said: "Makes no difference."

She advised: "Prepare bottles of sterile water in advance. That stays fresh without refrigeration for 24 hours. Take from the bottle and mix. That formula is good for an hour."

Farley's: no temperature advice

Asked about the claim on new Farley's formula labels saying it contains 'Omega-3 LCPs' ((see Page 6) Farley's advisor said: "It helps develop their brain in their first few months" claiming: "The Government stresses the importance of Omega 3."

She said only Farley's had LCPs. Asked if this made it closer to breastmilk than competitors, she said: "Farley's is the closest. Yes it is."

Asked about the need to use hot water as powdered formula is not sterile, her advice was: "Heat the water and let it cool. I don't know if it gives the temperature. It says 30 minutes." The FSA guidance says no more than 30 minutes. Asked if using hot water was important, she said: "It mixes better" and had nothing to do with sterility.



Hipp dismisses FSA guidance

The Hipp Careline advisor did not have an answer to questions on sterility, so the Nutritionist phoned back. She said Hipp did not follow the FSA guidance for parents of using water above 70°C because *“you kill the protein and it would be dangerous to hold it.”*

When asked about the FSA guidance, she said water at 70°C would cool when it was mixed with the powder so *“the temperature would be lowered anyway.”* She claimed *“no-one does it at 70°C”* and *“we certainly have no problems with bacteria.”*

SMA: not sterile after opening

The SMA advisor was asked about its ‘new protein balance’, promoted on labels. She said: *“It makes it closer to the protein found in breastmilk.”*

She was asked how SMA could be the closest to breastmilk when the Aptamil label and advertising says it is the closest and replied: *“Ours is balanced. It is closest.”* Asked about sterility, she said: *“No formula is sterile if it is exposed to the air.”*

Despite Hipp claiming no company says to use water at 70°C, SMA did just that: *“We tend to say 70 Degrees. These are new Department of Health Guidelines. It can destroy any bacteria that may be in the powder. Can no longer use water cooled to room temperature. We say boiled for 30 minutes in the kettle.”*

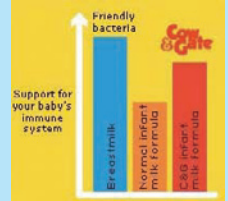
UNICEF and WHO advice

WHO recommends mixing formula with water at 70 degrees C. WHO experts say this is the single most effective decontamination step which could reduce the risk 10,000-fold. UNICEF UK Baby Friendly multi-lingual leaflets are also available. See: www.babyfriendly.org.uk/page.asp?page=115&category=5 WHO Guidance can be downloaded from: www.who.int/foodsafety/publications/micro/pif2007/en/index.html

Which is the best formula?

It is not only information on Carelines which is confusing or simply wrong.

This graph on the Cow & Gate website suggests it is the closest to breastmilk:



Whereas Aptamil claims in its advertisements in celebrity magazines that it is the ‘best formula.’

Farley’s encourages health workers to promote its formula to mothers receiving the government’s healthy start vouchers as the ‘best formula, best price’. The graph here puts Farley’s ahead of Cow & Gate.



Wyeth claims its SMA has ‘new improved protein balance’ and implores users to ‘love the milk you give’. A £3 million advertising campaign - supposedly for follow-on milk - promotes the brand name on TV with a father promising to support his partner with night feeds.



European formulas: a mass uncontrolled trial?

Although the revised EU Directive (p. 4) in many ways improves the essential composition of formulas - a reason why so many Member States were keen to adopt it - it also allows companies to add "other food ingredients, as the case may be." There is no requirement that the ingredients are evaluated by an independent scientific body prior to introduction onto the market - even though the majority of EU member States and the EU's advisory body, the Scientific Committee for Food, called for this safeguard. If manufacturers introduce a new infant formula they only have to submit a label to the authorities - and that is all. There is no notification procedure at all for follow-on milks. To make matters worse, follow-milks may be able to carry claims which are supported only by research on adults.

Breastmilk substitutes can be the sole source of nutrition during a critical period of rapid growth and development. Minor modifications can have major effects on infant health. The *Report of the Scientific Committee on Food, 2003*, identifies problems that have occurred with the introduction of modified infant formulae. Examples include reduced protein availability with impairment of growth; trace element deficiency with severe clinical disease; chloride deficiency with long-term neurological damage and thiamine deficiency with severe clinical disease, including neurological damage and several cases of infant death.

The fact that the EU Directive failure to include a rigorous pre-market authorisation plays into the hands of the companies who are prepared to add any ingredient - before its safety has been properly evaluated - simply to gain competitive advantage. This is equivalent to a mass uncontrolled trial. (See BFLG position p11).

● UNICEF is clear that follow-on milks are covered by the *International Code*. See the BFHI materials approved by WHO and UNICEF at www.unicef.org/nutrition/files/BFHI_Revised_Section1.pdf

EU Commission - enough is enough

Baby Milk Action has submitted a complaint to the European Ombudsman about the Commission's handling of the Directive 2006/141/EC specifically by Basil Mathioudakis, the Head of the Food Law, Nutrition and Labelling Unit in the Health and Consumer Protection Directorate (DG SANCO). Update readers will know our concerns about Mr Mathioudakis, who joined the Commission in 1982 soon after MEPs and Member States first called for the implementation of the *International Code* in Europe. We complain that Mr Mathioudakis has, among other things: misrepresented our meeting with him, failed to Chair the Expert meetings in an objective way; failed to take on board the serious concerns of Member States about the need to protect public health and implement the Code and misrepresented the proceedings of the expert meetings.

● We have asked the Commission if it has a log of meetings of officials - as the UK has - which would allow for transparency in the balance of exposure to stakeholder views.

Parliamentarians ask WHO

MEPs Catherine Stihler, Richard Howitt and Glenys Kinnock, Lord Avebury and many MPs have been helping with our campaign. In answer to a request from Catherine, WHO explained the importance of the *International Code* in the European context, confirming it is:

"an expression of the collective will of the membership of WHO as a 'minimum requirement' to be adopted by 'all member states...in its entirety.... it should be clear that the Code was not merely adopted as a recommendation for developing countries, but for the entire membership of WHO. Thus both developed and developing countries are encouraged to give effect to the provisions of the Code. The Code and subsequent WHA Resolutions must be considered together in the interpretation and translation into national measures. These Resolutions have further clarified or extended certain provisions of the Code."



Genetic link found to IQ

From a gene study of children born in 1972-73 in New Zealand and 1994-95 in England, British researchers have found that mothers' milk in the first few months of life can boost children's IQ by seven points.¹ A genetic link in 9 out of 10 breastfed children is thought to enable them to benefit from the Long Chain Polyunsaturated Fatty Acids (LCPUFAs) in breastmilk.

● The jury is still out on LCPUFA supplementation of formula. The 2001 Cochrane Library review of studies on adding LCPUFAs to formula concluded that there was little evidence to support a benefit for visual or general development of term infants.² The 2004 UK SACN *Advice on Fish Consumption Benefits and Risks* found a benefit for visual development in pre-term infants but less evidence of effects on term infants. The largest trial failed to demonstrate an effect³ (see p 6).

● The BFLG position is that if an ingredient has been unequivocally demonstrated to be essential and beneficial by an independent review of data, including a substantial proportion of independently-funded research, it should be a mandatory ingredient in all formulas, not flagged up with a claim for commercial advantage.

¹ *Moderation of breastfeeding effects on the IQ by genetic variation in fatty acid metabolism*. Journal Proceedings of the National Academy of Sciences. www.pnas.org/cgi/doi/10.1073/pnas.0704292104 ² www.cochrane.org/reviews/en/ab000376.html ³ www.sacn.gov.uk/reports/

Breastfeeding and Cancer

The World Cancer Research Fund (WCRF) report *Food, Nutrition, Physical Activity and the Prevention of Cancer: a Global Perspective* published in November states that there is strong evidence that breastfeeding protects mothers against breast cancer and babies from excess weight gain which is linked to increased risk of cancer. The report of a panel of 21 world-renowned scientists is the most comprehensive report on cancer prevention ever produced and the first to give a specific recommendation to breastfeed to reduce risk of cancer :

● **Recommendation 9** states : *"It's best for mothers to breastfeed exclusively for up to 6 months and then add other liquids and foods. Strong evidence shows that breastfeeding protects mothers against breast cancer and babies from excess weight gain."*

● **Recommendation 1** states: *"Be as lean as possible without becoming underweight. Convincing evidence shows that weight gain and obesity increases the risk of a number of cancers, including bowel and breast cancer."*

http://www.wcrf-uk.org/research_science/expert_report.lasso

Infant feeding and Obesity

The Government Office for Science *Foresight* programme report **Tackling Obesities: Future Choices**, published in October, cites the role of breastfeeding in tackling the obesity epidemic: *"There is evidence that the period soon after birth is a time of metabolic plasticity. Factors in the environment, such as nutrition, can have long-lasting consequences in that they appear to set the baby on a particular developmental trajectory."* Despite uncertainties surrounding the evidence and the need for additional research, weight gain in early life appears to be critical and the fact that breast-fed babies show slower growth rates than formula-fed babies may contribute to the reduced risk of obesity later.

www.foresight.gov.uk/Obesity/Obesity_final/Index.html



Order this poster through our on-line Virtual Shop.



Philippines Supreme Court rejects industry argument that regulations are a 'restraint of trade'

In August 2006 the Supreme Court in the Philippines rejected a plea by the pharmaceutical industry to put a restraining order on marketing regulations for baby foods introduced by the Department of Health. However, the President of the US Chamber of Commerce, Mr Thomas Donohue, warned President Arroyo of *"the risk to the reputation of the Philippines as a stable and viable destination for investment"* if she did not *"re-examine this regulatory decision"* and the Restraining Order was imposed - four days after Mr. Donohue's letter.

Now the long-awaited final Court ruling has been published and the Revised Implementing Rules and Regulations (RIRR) will come into force.

Restraining order on Department of Health Regulations lifted

While not supporting an outright ban on advertising of milks for infants and children and rejecting a schedule of fines proposed by the Department of Health, the Supreme Court upheld all other provisions against the challenge brought by the industry body, the Pharmaceutical and Health Care Association of the Philippines (which includes Abbott Ross, Gerber, Mead Johnson and Wyeth/SMA). Specifically the Court ruling (available on-line) found in favour of the Department of Health on the following:

- Coverage of products – scope including products for older children - upheld
- Department of Health's right to issue regulations - upheld
- Labelling provisions - right to specify warnings and ban claims - upheld
- Powers with regard to regulating advertising - upheld
- Company information for women distributed through the health care system – ban upheld

- Independence of research – requirement for ethical clearance upheld
- Independence in policy making – ban on company involvement upheld
- Donations from companies – prohibition upheld

In its statement welcoming the Court's decision, WHO Philippines said:

"We are delighted that amidst the many challenges in the past two years to find resolve on this matter, the DOH, along with local and international breastfeeding advocates, like UNICEF Philippines, Save the Babies Coalition led by Arugaan (a Filipino NGO), the World Alliance for Breastfeeding Action (WABA), IBFAN Network, Baby Milk Action UK, La Leche League, and many others remained faithful in their role to protect Philippine children's health and welfare."

Obstacle to trade? No

The industry argued: the RIRR *"is unnecessary and oppressive, and is offensive to the due process clause of the Constitution, insofar as the same is in restraint of trade"* [emphasis as in original].

The Court concluded: *"The framers of the constitution were well aware that trade must be subjected to some form of regulation for the public good. Public interest must be upheld over business interests."*

- The campaign now moves to Congress to strengthen the primary legislation.

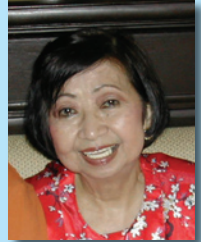
World Breastfeeding Trends WBTi

IBFAN Asia has devised a new website tool to help assess and monitor national implementation of the *Global Strategy on Infant and Young Child Feeding* see: www.worldbreastfeedingtrends.org/



Dr Clavano - tiny woman who moved mountains

"We allowed the companies to touch the lives of our babies, not because we did not care, but because we did not realise the consequences of granting such a privilege. How to change all that? How to break the 'friendly' stranglehold that we had allowed the milk companies to have on our hospital? We closed the door of the nursery to the milk companies. We stopped giving our babies the starter dose of infant formula. Down came the colourful posters and calendars; in their place we hung the "baby killer" posters which show an emaciated baby inside a dirty feeding bottle."



IBFANers marked the death on October 4th of Dr. Natividad Relucio Clavano, Chief of Paediatrics, Baguio General Hospital, the Philippines. Natividad's 10,000 baby study (which Nestlé tried to suppress) demonstrated the damaging impact that western medical practices can have on breastfeeding and child survival and gave foundation to the global movement that followed. Her life took a dramatic turn in 1974 when she came to the UK to take Post-Graduate Studies in Pediatrics at the Institute of Child Health, London University. Initially keen to learn about asthma, she studied under Baby Milk Action Advisor, Prof David Morley. She returned home armed with practical information about how to change hospital practices and prejudices about infant feeding. Her changes resulted in an increase of breastfeeding rates from 40% to 87%, a 94% reduction in the rates of diarrhoea and a 95% reduction in the rates of infant death. She spoke in Washington at the 1978 US Senate Inquiry under Senator Ted Kennedy which led to the Code and in 2005 at the Philippine Senate in support of the Department of Health. We send our love to her husband and sons. See Guardian: www.guardian.co.uk/obituaries/story/0,,2210404,00.html

The Philippines has been at the forefront of the campaign to protect babies and mothers since before the *International Code of Marketing of Breastmilk Substitutes* was adopted in 1981. The country was inundated with commercial promotion from US companies and Nestlé when in 1986 President Corazon Aquino signed into law the Philippine National Milk Code - then the toughest law in Asia. This was followed with the 1992 *Rooming-In and Breast-Feeding Act*.

In 1989, Manila, the capital city, was host to IBFAN's 10th anniversary and saw campaigners from all over the world parading in decorated jeepneys through its streets to Nestlé's HQ (above right), calling for a boycott of the four main violators of the Code: Wyeth, Nestlé, Abbott Ross and Mead Johnson. One of the tireless campaigners then and now is Ines Fernandez of the Philippines IBFAN group, ARUGAAN (a Filipino word for nurturing fully with commitment).



Continued exposure of malpractice in IBFAN's *Breaking the Rules* reports and dedicated work by WHO, UNICEF and health campaigners in the Philippines led to the development of the Revised Implementing Rules and Regulations (RIRR) for the Milk Code by the Department of Health, which were introduced in July 2006 and almost immediately challenged by the pharmaceutical companies. An international campaign exposed the pressure on the Philippines Government. (cont)



● Our IBFAN colleagues at a health conference in Sweden - the 'What next forum' - became aware of the US Chamber of Commerce letter and participants at the conference put their names to a letter calling for restraint from the business community and an independent decision from the judiciary.

● Philippines groups Arugaan and Piglas ng Kababaihan called for mothers to attend a mass demonstration on 1 September 2006. Over a thousand turned out with decorated umbrellas.



● Patti Rundall, Policy Director of Baby Milk Action, and Elisabeth Sterken, Director of INFACT Canada, visited the Philippines in November 2006 giving media interviews on TV and radio which broke through a virtual media reporting blackout on the issue.



● Campaigners in the Philippines began a petition and we ran a petition of solidarity, signed by individuals, organisations and celebrities, such as actress Emma Thompson, which generated front-page stories in the Philippines and coverage elsewhere. We showed examples of Nestlé's aggressive marketing practices at our annual demonstration at Nestlé (UK) HQ in May.

● UNICEF Philippines launched a DVD (available from Baby Milk Action), exposing aggressive marketing practices and their impact.



● George Monbiot wrote about the attack on the regulations in *The Guardian*.



● A bare breast protest was staged outside the Supreme Court on the last day of the hearings in June 2007 and caught the attention of the tabloids in the Philippines (Ines in the thick of campaigning again, on the right).



● Campaigners organised several mass breastfeeding events and entered the Guinness book of records.





Lansinoh owned by Code breaker

The question of who owns Lansinoh, a manufacturer of nipple cream, has been raised by groups who have looked to it for funding. Lansinoh was taken over by Japanese bottle and teat company, Pigeon, in 2004. The *Breaking the Rules* monitoring report that year rated the company as the worst of the bottle and teat companies in terms of the provisions of the Code and Resolutions being broken. Pigeon's year report sets out its strategy of building its bottle and teat market in China and complementary food market in South Korea.

Can a bottle-and-teat company comply with the Code?

The Code and Resolutions are measures that companies are called on to abide by independently of government measures. Where these are enforced violations are stopped. But can a company comply voluntarily in an aggressively competitive market such as the United States? That is the task *Evenflo* has set itself. It has removed all promotion of bottles and teats from its website in favour of its breastfeeding equipment and materials. We will be monitoring the situation closely and exploring tricky questions around brand promotion, contact with the public and the legitimacy of a branded website for providing product safety information, such as the recall notices given on the site.

US Congress investigates industry weakening of breastfeeding ads

The US former Surgeon General Richard Carmona told a Congressional Hearing in July, "the Bush administration repeatedly allowed political considerations to interfere with his efforts to promote public health". Congress went on to investigate how the US Government's breastfeeding promotion campaign was weakened following industry pressure. The industry also increased its formula advertising spend from \$30m in 2000 to \$50m in 2003/4

and as a result an Abbott Ross survey found that instead of rising, breastfeeding rates in hospital fell from 70% in 2002 to 63.6 %in 2006. (See *Washington Post* :www.washingtonpost.com/wp-dyn/content/article/2007/08/30/AR2007083002198_pf.html)

World Breastfeeding Week call to save one million lives

The theme the World Alliance for Breastfeeding Action (WABA) promoted for World Breastfeeding Week in August was breastfeeding in the first hour and its potential to save one million lives. As an example of events the photo below shows campaigners from our Cameroon partner organisation promoting the week. There, an official ceremony was attended by Urbain Olanguena Awono, the Minister of Public Health.



UNICEF calls for end to free formula distribution in Iraq

According to UNICEF about one in ten children under five in Iraq are underweight and one in five are short for their age. In August, UNICEF supported calls for free formula to be removed from the Public Distribution System (PDS), stating in its press release: "Dr. Nidhal, Manager of the Breastfeeding Programme for Iraq's Ministry of Health, noted that Iraq's rate of exclusive breastfeeding was worryingly low, at just 25 per cent for infants under six months. The free distribution of infant formula through the PDS is a negative factor in contributing to these low rates, discouraging the traditional and much better exclusive breastfeeding."



China taking action on aggressive formula marketing

China is strengthening its regulations for baby food marketing. Dai Yaohua, a senior researcher with the Beijing-based Capital Institute of Paediatrics and a counsellor with the World Health Organisation told the *China Daily* (7 August), : *"Efforts to promote breastfeeding are lagging behind the promotion of formula milk. The society also needs to strengthen the caring and protection system for mothers and encourage them to continue breastfeeding."*

Australian Parliament calls for action on breastfeeding

A hearing of the Australian Government's *Health and Ageing Committee* said in August that it had significant evidence of marketing in Australia that would discourage breastfeeding, such as doctors becoming 'surrogate marketers' by giving out free infant formula sample packs. The inquiry concluded: *"The committee considers it is time to make a decisive and clear statement of the importance of breastfeeding to the Australian community by implementing the full WHO code."* (Report in *The Australian*.)

● A Nestlé advertisement in Australia for Nutritional Advisors in June demonstrates the extent of the problem. The job description states:

"Your ability to communicate effectively at all levels will ensure health professionals warm to you as you gain their trust as an expert in this dynamic field. As a result, you'll be able to identify and convert opportunities within hospital and community health settings to health professional recommendation."

Infant feeding advice during floods in the UK

Floods in the UK in July disrupted water and electricity supplies. In one county 340,000

people lost access to water. In such conditions breastfeeding provides not only safe food, but protection against infections in the environment. The Food Standards Agency (FSA) issued guidance on how to mix up formula for those using it. The need to boil water and to avoid repeat boiling, which can concentrate contamination, was stressed, along with the need for care using bottled water.

Guidance stated: *"Some bottled water labelled as 'natural mineral water' may have high levels of sodium. When buying bottles of natural mineral water, look at the label and check that the figure for sodium or 'Na' is not higher than 200mg a litre. If it is, then try to use another water. If no other water is available, then use this water for as short a time as possible."*

In consultations on bottled water labelling Baby Milk Action has called for warnings to be added to bottled water if it is unsuitable for making up formula, but this has gone unheeded. Had the FSA taken this step it would have reduced the risk of formula being made up with unsafe water.

Danone swallows Nutricia, Milupa and Cow & Gate

French company Danone is taking over NUMICO, parent company of Nutricia, Milupa and Cow & Gate, in a deal worth 12.3 billion euros according to Reuters. Danone was exposed in a study published by the *British Medical Journal* in 2003 as being worse than Nestlé for labelling violations in the West African countries surveyed. NUMICO is particularly problematic in Asia. Globally Nestlé is the worst of the lot of them.

Nestlé swallows Gerber

Nestlé has bought Gerber from Novartis for US\$5.5 billion. According to *Promo Magazine*, Nestlé Nutrition's Richard Laube: *"praised Gerber's marketing expertise with mothers, via geographically targeted ads, as well as direct mail that segment babies by age."*



Progress with the Manifesto

Footballer Theo Walcott joins Breastfeeding Manifesto launch



The 16th May was the official launch of the *Breastfeeding Manifesto*, a seven-point plan to improve support and protection of a mother's right to breastfeed and to remove obstacles to breastfeeding. The launch was attended by members of the manifesto coalition, the Minister for Public Health and two of the celebrities supporting the campaign: Jemima Khan and Theo Walcott, the Arsenal and England footballer.

The picture shows Theo and his mother, Lynn, at the launch, with Mike Brady, Campaigns and Networking Coordinator at Baby Milk Action, holding our *Hard Sell Formula* exposé of the baby food industry. Implementing the baby food marketing requirements in law is point 7 of the manifesto.

Theo said in a statement to the press: *"I have grown up knowing how important breastfeeding is as my mum was a La Leche League breastfeeding leader. Healthy eating is a very important part of my life as a professional footballer. I support the Breastfeeding Manifesto as it would help to ensure the first step to a healthy lifestyle for all children."*

Single equality bill offers hope on the right to breastfeed in public

The Government opened a consultation on a consolidated law on discrimination in June. According to the press release:

"The law would make clear that expectant and new mothers are protected from discrimination in relation to goods, facilities and services generally. For example, a mother with a baby under one-year-old could no longer be made to leave a cafe when they are discreetly breast feeding their baby."

The protection of the right to breastfeed is an interpretation of the proposed legislation, which is due to pass through Parliament in the 2007/08 session, rather than an explicit provision and only applies with regard to commercial services. Protection of this right is point 5 of the Breastfeeding Manifesto. Campaigners have called for better measures, going at least as far as *The Breastfeeding etc. (Scotland) Act 2005*.

The Scottish Act states it is:

"An Act of the Scottish Parliament to make it an offence to prevent or stop a person in charge of a child who is otherwise permitted to be in a public place or licensed premises from feeding milk to that child in that place or on those premises."

Legislation sends an important message, but there is more to changing cultures. Consider the situation in Herkimer County in New York State. Figures in a survey found that 54% of men and 35% of women were comfortable with having their child breastfed in public. The Healthy Start partnership for the County launched an advertising campaign with billboards and films. The campaign had an effect. Three months later the numbers were up to almost 69% of men and 46% of women saying they would be comfortable with having their child breastfed in public.

See Chronicle Online, 1 June at: www.news.cornell.edu/stories/June07/breastfeeding.sl.html



SMA marketing strategies

There was much controversy in August when a Wyeth/SMA advertisement appeared in *OK!* magazine on the page following a picture of model Jordan/Katie Price feeding her newborn child with an SMA ready-to-feed bottle. Both Wyeth and Katie denied any collusion, though the juxtaposition was, at the very least, a deliberate act. The Advertising Standards Authority refused to investigate.



Some of the media coverage missed the point of campaigners calling for enforcement of baby food marketing standards, instead claiming that Jordan and mothers who use formula were being attacked for their decision. Wyeth issued a statement highlighting the shops where the ready-to-feed bottles are available and is apparently preparing for a wider launch in the new year.

We registered complaints about an SMA television advertising campaign promoting the brand with the mother's partner making promises to help with 'night feeds'. Product placement in the controversial Channel 4 programme *Bringing up Baby* for SMA and other formulas, bottles and teats, also prompted us to complain.

Let us and the authorities know if you encounter baby food marketing strategies which concern you via the Baby Feeding Law Group monitoring project at:

www.babyfeedinglawgroup.org.uk

ACTION POINT

Lisa Northover short listed for Sheila McKechnie awards

Baby Milk Action Director and current co-Chair, Lisa Northover, was shortlisted for a 'Consumer Action' award and attended the ceremony, hosted by Chancellor Gordon Brown at 11



Downing Street in April. Here she is pictured with Adam Sampson of award sponsor, Shelter, and the category winner Debbie Crew of the Crosby,

Formby and District Citizens Advice Bureau. Award organisers explain:

"The Sheila McKechnie Foundation is dedicated to equipping campaigners with the skills they need to change the world. Campaigners are setting the agenda for decision makers in new and diverse ways - passion, creativity and vision are powerful forces for change. The Foundation invests in campaigners through an awards scheme and campaigning workshops to help them develop new tactics and plan high impact campaigns."

Alison Baum of *Best Beginnings* and the *Breastfeeding Manifesto Coalition* won the Health & Social Care category. To apply to the 2008 awards see: www.sheilamckechnie.org.uk

Amnesty of babymilk marketing

The binit campaign launched by Baby Milk Action Director Lisa Northover asks health workers to bin company-branded materials from health facilities. But before you do,



Home Office breaks own rules on imprisoning breastfeeding mothers

Last year Baby Milk Action and Lord Avebury complained to the Home Office Minister, Liam Byrne MP, about two cases where breastfeeding mothers seeking asylum in the UK had been detained and separated from their babies (see UD 38) prompting a change in Home Office Guidelines which now say:

“Breastfeeding children should not be separated from their mother purely for Immigration purposes. The only exception would be if there are compelling and exceptional circumstances which indicate that this may be appropriate to keep the child safe... Authority to separate a breastfeeding mother and child must be obtained from an officer of Ass. Dir. Level or above in all cases. There must be full written record of the authorisation, the reason for the split and who was informed e.g. police, social services, detention services etc as well as any proposed future actions required.”

The Minister told the media that the cases were isolated incidents and wrote that immigration

officials had failed to follow the correct procedures on the treatment of families.

In May however, Janipher Maseko, an 18-year-old Ugandan mother of a one-year-old and three-week-old breastfed baby was detained in Yarl’s Wood Immigration Removal Centre and forcibly separated from her children. The Black Women’s Rape Action Project and Crossroads Women’s Centre alerted us to this case and Morgan Gallagher of Nursing Matters, Helen Butler of LLL, Phyll Buchanan of ABN and others provided support to Ms Maseko. We contacted the Minister and officials at the detention centre. Lord Avebury raised questions about the case. It took over a week to reunite Janipher with her children in family accommodation and they were released in July.

● In October Sheila Kitzinger contacted us about the procedures in **Holloway Prison** where five prisoners have been separated from exclusively breastfed babies. *Birth Companions* provide mother-to-mother support to pregnant and new mothers in Holloway.

See section 58.7

www.ind.homeoffice.gov.uk/documents/oemsectione/

Brazilian celebrities supporting breastfeeding



In Brazil aggressive marketing of baby foods has been stopped by increasingly strong legislation implementing World Health Assembly marketing requirements over the past 20 years.

This is coupled with support and promotion for breastfeeding, such as having TV stars promoting early initiation as in the cutting shown here (from the newspaper Viva Mais), which states: *“Little Gael is not yet one month old, but he is already promoting a noble cause: son of the actors Thiago Lacerda and Vanessa Lóes, the baby launches World Breastfeeding Week in Brazil, together with his parents. In more than 120 countries from 1 to 7 August, specialists will be calling attention to the advantages of putting the baby to the breast soon after birth.”*

This is helping breastfeeding rates to recover. In 1975, one out of two Brazilian women only breastfed until the second or third month; in a survey from 1999, one out of two breastfed for 10 months. Ref: Dr. Marina Rea. *A review of breastfeeding in Brazil and how the country has reached ten months’ breastfeeding duration.* Cad. Saúde Pública v.19 supl.1 Rio de Janeiro 2003.



International Nestlé-Free Week 2007

It was 30 years ago that campaigners in the US launched a boycott of Nestlé over its aggressive marketing of baby foods, choosing American Independence Day to do so, 4 July 1977.

The first boycott, which spread to ten countries, led to a Senate Hearing and to the *International Code of Marketing of Breastmilk Substitutes*, adopted by the World Health Assembly in 1981. In 1984 Nestlé agreed to abide by the Code and the boycott was suspended. It was relaunched in 1988/89 as monitoring found Nestlé continued to break the Code as it pushed its formula to undermine breastfeeding.

Thirty years on from the first boycott the world is different in some ways. Further Resolutions from the World Health Assembly have addressed changes in marketing practices and scientific knowledge and questions of interpretation.

The Code and Resolutions form part of the World Health Assembly's *Global Strategy on Infant and Young Child Feeding* and the UN Committee on the Rights of the Child is increasingly pressing governments on the action they have taken.

Over 70 countries have introduced the Code and Resolutions in legislation to some degree. Where companies are given no choice, they can comply. In countries such as Brazil, where protection and promotion of breastfeeding go hand in hand, breastfeeding rates have increased markedly.

But where legislation is not enforced or does not exist, it is monitoring and campaigning by the International Baby Food Action Network (IBFAN) and partners which acts as a check on the industry. As IBFAN monitoring finds Nestlé to be responsible for more violations than any other company it is the target of a boycott, launched by groups in 20 countries since 1988. In 2007 several members of the International Nestlé

Boycott Committee decided to mark the 30th anniversary of the launch of the first boycott by declaring the 1-8th July as Nestlé-Free Week.

In the UK and Canada campaigners encouraged members of the public to call the company customer services to register their support for the boycott. This action was picked up by Korean television and broadcast on the national morning news and the internet, showing how the boycott raises global awareness of Nestlé malpractice.



Boycott groups in Cameroon, the Philippines and Sweden promoted the event in their media work. Italian campaigners organised stalls and public meetings.

In Ireland Mary Lou McDonald, who represents Dublin for Sinn Féin in the European Parliament backed the campaign, telling the media: "*Sinn Féin calls on the Irish people to support Nestlé-Free week by boycotting all its products.*"

Nestlé-Free Week 2008

The provisional date for 2008 is the week of 13 - 19 May. UK boycott endorsers are invited to join a National Nestlé Boycott Committee. Contact Baby Milk Action for details.



Nestlé Chief wins award

The German Foundation for Ethics and Economics has issued an award to Nestlé Chairman, Peter Brabeck-Letmathé, for his company leadership, but it is nothing to be proud of. The Foundation's press release explains: *"This year's counter-award 'The Black Planet Award 2007' goes to Peter Brabeck-Letmathé (chairman of the board of directors) and to Liliane de Bettencourt, (multi-shareholder) of the NESTLÉ Corporation. This award is to pillory the Swiss multi-national for the irresponsible marketing of baby food contaminated by genetically manipulated nutrition, their tolerance of child labour and monopolisation of water resources."*

Public Affairs Manager admits Nestlé is widely boycotted

While Mr. Brabeck tries to play down the support for the boycott, Global Public Affairs Manager, Dr. Gayle Crozier Willi, admitted in a letter in April that Nestlé is 'widely boycotted', referring to a survey by GMIPoll that found Nestlé to be one of the four most boycotted companies on the planet. *"The most boycotted were generally the largest companies with the greatest visibility of which Nestlé is one,"* said Dr. Willi attempting to explain the company's bad image.

Mr Paul Bulcke to be new CEO

Former head of Nestlé's American operation is Chief Executive Officer designate, though he won't officially take up post until the shareholder meeting on 10 April 2008. As region head he delivered strong growth in the infant nutrition sector in Latin America and says China and India will present *'unparalleled growth opportunities'*.

Nestlé pays for platform to speak at Labour party conference

Nestlé tried to divert criticism of its junk food and bottled water businesses by sponsoring events at the Labour Party Conference in September. One meeting, with the *New Statesman* magazine,

was on obesity and saw the Public Health Minister share a platform with a company that, according to UBS Warburg, has 46% of its turnover at risk if policies tackling obesity are enforced (*The Guardian*, 27 December 2002).

Nestlé also sponsored the Foreign Policy Centre fringe meeting: *"Water: how can we better manage our most precious resource?"* Responding to criticisms about the infant feeding issue it claimed these were all in the past. It also glossed over the concerns about bottled water. (For documentary evidence of Nestlé's breach of Brazilian law, see our website).

Dame Anita Roddick passes away

The founder of *Body Shop* died in September before realising her plan of transforming L'Oreal, the cosmetic giant part-owned by Nestlé. She sold her company to L'Oreal in 2006. Dame Anita contacted Baby Milk Action a few months before she died for a briefing on Nestlé as she was to meet the head of the company. We never heard anything back. *Body Shop* remains on the list of products from which Nestlé profits, though there have been rumours in the media that Nestlé is considering selling its 28.8% share.

George Clooney questioned over Nescafé adverts

George Clooney was questioned about his appearance in Nescafé advertisements at the Venice Film Festival in September when promoting his new movie, *Michael Clayton*, in which he plays a lawyer who challenges an unethical company. The boycott is particularly strong in Italy and a reporter asked: *"Do you think your real life and your fictional one are in some terms colliding because of this role you played?"* Taken by surprise, Mr. Clooney started to answer, saying he supports boycotts, but then expressed irritation at the question and quickly changed the subject.





Guardian investigation in Bangladesh

The UK newspaper, *The Guardian* (15 May)¹, posed the question *Is Nestlé still pushing formula milk on the developing world?* It cited a report from Save the Children called *A generation on: baby milk marketing still putting children's lives at risk*². The journalist, Joanna Moorhead, also travelled to Bangladesh to investigate for herself.

She visited a hospital where infant admissions had once been virtually unknown, but now make up 70% of admissions. Dr. Iqbal Kabir is quoted as explaining: *"Because bottled babies get diarrhoea, since their formula is mixed with dirty water and since their bottles are not sterile. Do you know how many breastfed babies are admitted here with diarrhoea? The number is almost zero."*

So how are mothers persuaded to use formula? Another doctor, Dr. Khaliq Zaman explained part of the company strategy to Joanna: *"On Zaman's desk, lots of small pads lie scattered: each contains sheets with information about formula milk, plus pictures of the relevant tin. The idea, he says, is that when a mother comes to him to ask for help with feeding, he will tear a page out of the pad and give it to her. The mother - who may be illiterate - will then take the piece of paper (which seems to all intents and purposes a flyer for the product concerned) to her local shop or pharmacy, and ask for that particular product either by pointing the picture out to the pharmacist or shopkeeper, or by simply searching the shelves for a tin identical to the one in the picture on their piece of paper."* One of the formulas promoted was Nestlé's *Lactogen*.

Nestlé misrepresents the Code

In the article and a subsequent follow-up letter to the paper, Nestlé claimed that the leaflets were *"essentially a safety measure to ensure the right product is bought for the child - to make clear to women whether they need Lactogen 1 (for younger babies) or Lactogen 2 (for older ones)"*



and said they are permitted by the *International Code of Marketing of Breastmilk Substitutes*. This is a clear admission not only that follow-on milks are confused with infant formulas and likely to be fed to very young babies, but also that the labelling is inadequate. If a mother needs to see a picture because she cannot read the name of the product how can she be expected to read all the instructions and make up the products safely?

Nestlé's justification of this promotion is a clear breach of the Code is a perfect illustration of its arrogance and deliberate misinterpretation of the Code. We encouraged people to write to Nestlé on our *Campaign for Ethical Marketing* action sheet, pointing out that Article 7.2 of the Code states:

"7.2 Information provided by manufacturers and distributors to health professionals regarding products within the scope of this Code should be restricted to scientific and factual matters, and such information should not imply or create a

1. www.guardian.co.uk/medicine/story/0,,2079757,00.html
2. www.savethechildren.org.uk/en/54_2514.htm



Aamir Raza reunited with family after 7 years



Nestlé whistleblower, Syed Aamir Raza, little suspected when he left Pakistan in 1999 to publicise his report *Milking Profits* about Nestlé's aggressive marketing practices

that he would never return. The report was based on a legal notice Aamir had sent to Nestlé calling for it to stop pushing formula. Aamir said he was visited by his boss and an executive after sending the notice and was threatened.

His situation became more dangerous after *Stern* magazine ran an article on his experiences, having visited Pakistan prior to Aamir's departure. The German-language article was somehow brought to the attention of doctors in Pakistan implicated in taking Nestlé bribes and Aamir's family received threatening

messages. Shortly before Aamir was to present evidence to a public meeting at the House of Commons in the UK, shots were fired at his home in Pakistan. Rather than call for restraint, Nestlé instead claimed the shots never happened and accused Aamir of attempting to blackmail the company. Lord Nazir Ahmed, who Aamir had asked for help, publicly sided with Nestlé. It later emerged that a fact-finding trip he made to Pakistan was organised and funded by the company and was followed by him being given a contract as a Nestlé consultant.

While in Canada, Aamir took advice that it was too dangerous to return and sought asylum. Seven years later he has been reunited with his wife and two children (pictured here in 1999) after being given humanitarian leave to remain. Aamir sends his thanks to everyone who has helped him during this time. Sadly both his parents passed away during this time.

belief that bottle feeding is equivalent or superior to breastfeeding."

So scientific and factual information may be provided to health workers, but the Code is clear that this should not be passed to mothers. Article 6.2 states:

"6.2 No facility of a health care system should be used for the purpose of promoting infant formula or other products within the scope of this Code. This Code does not, however, preclude the dissemination of information to health professionals as provided in Article 7.2."

If that is not clear enough, this is Article 6.3:

"6.3 Facilities of health care systems should not be used for the display of products within the scope of this Code, for placards or posters concerning such products, or for the distribution of material provided by a manufacturer or distributor

other than that specified in Article 4."

Nestlé has admitted its fliers are for mothers: a clear breach. Even if they were education materials permitted under the Code, Article 4 is abundantly clear:

"...Such equipment or materials may bear the donating company's name or logo, but should not refer to a proprietary product that is within the scope of this Code, and should be distributed only through the health care system."

In other words, fliers for handing on to mothers cannot have information about *Lactogen* infant formula. This is a clear breach however you look at it. Nestlé claims can not be taken on trust.

Why not call on Nestlé to participate in our proposed independent, expert tribunal, or try to set up your own debate? Contact us for details.

ACTION POINT



Boycott Nestlé shopping bags

These Fairtrade-cotton, reusable shopping bags are a great way to promote the boycott while reducing waste.

If you are a retailer and would like to place a bulk order for your shop, please do let us know.

Infant Feeding in Emergencies

The IFE Working Group formed by the Emergency Nutrition Network and involving our colleagues at the Geneva Infant Feeding Association has launched a guide for members of the public on how they can help when emergencies strike, such as earthquakes, floods and conflict. The danger of sending formula, that will likely be labelled in the wrong language and distributed without adequate targeting or training, is a key message.

See: www.enonline.net/ife/generalpublic/default.aspx
www.guardian.co.uk/comment/story/0,,2090780,00.html



IBFAN calendar 2008

12 full-colour A4 pictures from around the world. Discount for orders of 10 or more.

Leaving a legacy

Baby Milk Action was able to continue operating during the past year thanks largely to a legacy we received. If you are interested in remembering Baby Milk Action in your will see the 'donations' section of our Virtual Shop, or contact us.

Membership news

Baby Milk Action subscription rates have not changed since 1996 and we feel an increase is long overdue. Membership income is fundamental to our survival and we have kept the increase to just a few pounds.



The new annual rates are: Waged:£18; Family:£25; Organisation:£50. Unwaged (unchanged) £7. If you pay £1.50 a month, or £18 a year or more by standing order, you can claim a shopping bag, magnet or a pack of postcards as a free gift. See our special flier.

Find current and archived newsletters, press releases and briefing papers, a daily campaign blog and weekly podcast and our Virtual Shop with many more great items at: www.babymilkaction.org