

14 March 2014

Ursula Wynhoven
UN Global Compact Office
United Nations
New York
NY 10017
USA



**BABY MILK
ACTION**
IBFAN UK

Baby Milk Action, as part of a global network, acts to stop misleading marketing by the baby feeding industry. We protect breastfeeding and babies fed on formula to prevent unnecessary death and suffering.

Dear Ursula Wynhoven

Nestlé's egregious violations of the Global Compact Principles

Baby Milk Action has registered complaints in the past with the UN Global Compact Office (GCO) under the *Integrity Measures* regarding egregious violations by Nestlé and its bringing the initiative into disrepute.

We would like to draw your attention to further and ongoing violations, as described in the attached letter and briefing paper, which we have already sent to Nestlé.

These relate to violations of Global Compact Principles one and two on human rights abuses.

As explained in the briefing paper, Nestlé is systematically violating the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions of the World Health Assembly. Such practices violate human rights standards, such as Article 24 of the Convention on the Rights of the Child refers to the right to accurate information on infant nutrition.

Nestlé's misleading claims that its formula is the "*natural start*", the "*gentle start*" and "*protects*" babies violates this right.

The GCO posts Nestlé Creating Shared Value and other reports on its website as communications on progress. However, these are misleading in many regards, including in Nestlé's claims that it abides by the Code and Resolutions. The briefing paper contrasts claims Nestlé has made with the reality of what it is doing with regard to labels.

We ask that the GCO provide guidance and assistance to Nestlé to encourage it to take action to remedy the situation in order to align the actions of the company with its commitments to the Global Compact principles, as specified in the *Integrity Measures* (paragraph 4. c).

For additional evidence of Nestlé's systematic violations of the Code and Resolutions, see the report *Breaking the Rules, Stretching the Rules 2014*, which can be obtained from the International Code Documentation Centre (ICDC) via:

<http://www.ibfan-icdc.org/index.php/publications/publications-for-sale>

There has still not been any satisfactory outcome with regard to our earlier reports to the GCO about Nestlé. We still await an explanation on why the GCO has not taken the actions specified in the *Integrity Measures*, specifically the specified review and exclusion of a company that has failed to act, as set out in section 4:

If, as a result of the process outlined above and based on the review of the nature of the matter submitted and the responses by the participating company, the continued listing of the participating company on the Global Compact website is considered to be detrimental to the reputation and integrity of the Global Compact, the Global Compact Office reserves the right to remove that company from the list of participants and to so indicate on the Global Compact website.

Despite the failure of the Global Compact Office to take the actions set out in the *Integrity Measures* in the past, we ask that you do so in response to this latest report of egregious violations by Nestlé and its bringing the initiative into disrepute.

Yours sincerely,

Mike Brady
Campaigns and Networking Coordinator
Baby Milk Action

CC: The Honourable Ban Ki-Moon, UN Secretary General.

3 March 2014

Mr. Paul Bulcke
Chief Executive Office
Nestlé S.A.
Avenue Nestlé 55
Vevey 1800
Switzerland



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Dear Mr Bulcke,

Communications on formula marketing and Nestlé's CSV initiative

I am writing to you as part of our ongoing correspondence calling on Nestlé to abide by the UN Global Compact Principles and the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant World Health Assembly Resolutions.

Claims on formula labels around the world

Please find enclosed a briefing paper contrasting Nestlé's claims to support breastfeeding and to abide by the Code and Resolutions with how it actually labels its products in different countries at the present time.

Labelling formula with claims such as it is the "*natural start*", the "*gentle start*" and "*protects babies*", alongside other claims and idealising images, clearly demonstrates that Nestlé's statements about what it does and its actual practices are two different things.

As you know, babies fed on substitutes are more likely to become sick than breastfed babies and, in conditions of poverty, more likely to die. Your prominent logos and health claims undermine the obligatory "*Breastfeeding is best for babies*" message.

Nestlé continues to defend these and other practices that are clear violations of the Code and Resolutions and we ask you once again to bring your practices into line with these measures and your public rhetoric on marketing.

We are submitting this evidence of Nestlé's labels from around the world to the UN Global Compact Office and repeating our call that it carry out the steps called for under the *Integrity Measures* and to exclude Nestlé for egregious violations of the Global Compact Principles and bringing it into disrepute, until such time as it makes these and other required changes.

Creating Shared Value Global Forum – unanswered emails

When Nestlé held its Creating Shared Value Global Forum it invited the public to send messages regarding its business practices. Baby Milk Action and many others did so, many referring Nestlé's claims on labels in particular.

From what many people have told us, Nestlé has not responded to these messages. One person even contacted us saying they believe they were added to a spam list after emailing the address Nestlé publicised for these communications.

Can you clarify whether Nestlé did formulate a reply and, if so, where can this be found so we can draw it to the attention of those awaiting a reply?

Creating Share Value Council remuneration

On the issue of Nestlé's Creating Shared Value (CSV) initiative, we have been seeking an answer from Nestlé regarding any remuneration paid to members of its CSV Council.

Unfortunately, the replies we have received from Nestlé's Global Head of Public Affairs do not answer the question, saying only that CSV Council members do not receive a "salary".

While we understand Council members may not be contracted employees receiving a "salary", we have asked for clarification whether CSV Council Members receive a "fee" "honorarium" or other financial compensation.

Unfortunately, your Global Head of Public Affairs does not answer this request for clarification, but only repeats they do not receive a "*salary*".

We would appreciate a proper answer to the question of whether CSV Council members – or others on their behalf – receive remuneration of any kind.

It would also be welcome if you could inform us where we should direct such communications in future.

We recall, your Chairman once distributed a booklet called "*The Search for Trust*".

If Nestlé sees communicating with its critics as part of that goal, it could consider responding to communications more effectively.

Yours sincerely,

Mike Brady
Campaigns and Networking Coordinator
Baby Milk Action

CC:

Janet Voute, Global Head of Public Affairs.
UN Global Compact Office

Nestlé formula labels

Nestlé claims to market baby milk responsibly, but look at what it does - not just what it says it does

What Nestlé says:

"There is no question about breast milk being the best start a baby can have in life. Nestlé firmly believes that breastfeeding is the best way to feed a baby and is strongly committed to its protection and promotion."

"Nestlé takes very seriously its responsibility to ensure that our marketing practices abide by the World Health Organisation's International Code of Marketing of Breast-milk Substitutes. We have implemented extensive measures to ensure strict compliance with it."

What Nestlé does:



Nestlé knows that babies fed on formula are more likely to become sick than breastfed babies and, in conditions of poverty, more likely to die. Yet around the world it targets pregnant women, mothers and health workers with labels and promotions with claims such as its formula "protects" babies, gives them a "natural start" and so on. Look at some examples of its labels in 2013.

Afghanistan "Gentle start"



Bosnia Protective arms logo



Croatia "Protect"



Indonesia Logos and claims



International Code Article 9.2

"Neither the container nor the label should have ... pictures or text which may idealise the use of infant formula."



Lithuania "Protect"



Maldives "Gentle Start"



Portugal Hypoallergenic claim "Start Plus" logo



Taiwan Protect logo



Thailand "Natural Start"



Philippines Nestlé battles regulations



The Philippines requires statutory warnings on labels in English and Filipino and prohibits claims. Nestlé does not use its "protect" or "natural start" claims, but is still using logos and highlighting ingredients. Nestlé is also backing attempts to introduce a new law that would legitimise many of its misleading marketing strategies.

Ukraine "Protect"



United Kingdom "Advanced Gold System" Mother images



Venezuela "Comfortis"

