

Campaign for ethical marketing

July 2009

BABY MILK
ACTION



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 to protect breastfeeding and to protect babies fed on formula.

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 bosses misleading mothers

Background: There can be no clearer evidence that strategies to push formula and undermine breastfeeding come from the top of the company than the proud display of formula tins at Nestlé's shareholder meeting in April. The labels claim that the formula 'protects' infants, despite the fact that babies fed on it are more likely to become sick and, in conditions of poverty more likely to die than breastfed infants. This is one of the cases



included in the report *Nestlé's UN Global Compact Cover Up*, submitted by Nestlé Critics to the office of this United Nations initiative demanding Nestlé be expelled.

The Global Compact calls on companies to abide by human rights and the rule of law, but it is voluntary and is not enforced or monitored - though companies can be charged with bringing it into disrepute. Nestlé does just that by flouting the rules, while

producing glossy publications boasting that it complies and citing its involvement in the Global Compact when people raise concerns about its practices. Concerns like the following.



Baby Milk Action and its partners hailed a major victory at the end of 2007 when the Philippines Supreme Court allowed Department of Health formula marketing regulations to go ahead: pharmaceutical companies had brought

a legal challenge and Nestlé tried to have UNICEF and WHO representatives removed for defending breastfeeding.



Monitoring of the regulations shows that Nestlé is flouting them - and Article 5.5 of the *International Code*. For example it gives gifts, like this baby book and promotes the *Nestlé Club*, which includes a survey asking for ages of family members and use of milks by children of 1-year of age.

Article 5.5 prohibits seeking direct and indirect contact with mothers of infants and young children, that is children up to 3 years of age. UNICEF has previously stated that: "any form of contact with mothers of children under 3 years is prohibited, irrespective of the motivation behind the contact."



Nestlé claims that its formula protects - Left: Nan HA2 formula at Nestlé's shareholder meeting in Lausanne, Switzerland in April 2009 and right: Nan infant formula in Blantyre, Malawi in July 2009..

Right, an end-of-aisle display of Nestlé formula in Malawi, one of the poorest countries in the world. Following a 3-year Baby Milk Action campaign, Nestlé changed its labels to include Chichewa, the national language (previously Nestlé said it wasn't economically viable to do so) and to show cup feeding, which is easier to do hygienically than bottle feeding. Although mothers overwhelmingly breastfeed in Malawi, displays are more prominent than in bottle feeding cultures such as the UK. Coincidence?



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

I am writing to you to protest that Nestlé markets its formula with claims that it 'protects' babies, when babies fed on it are at greater risk of short and long-term illness than breastfed babies. Such labels were displayed at your shareholder meeting this year, proving that these strategies come right from the top of Nestlé.

This strategy is being used in Malawi, one of the poorest countries in the world. While it is welcome that Nestlé added the national language of Malawi to labels following a Baby Milk Action campaign, it is the height of irresponsibility that you are undermining 'breast is best' messages with your 'protect' logo. I also ask you to act to investigate and stop special displays of formula in retail outlets in Malawi and elsewhere.

I am also concerned that Nestlé is targeting mothers of young children (up to 3 years of age) in the Philippines in breach of the *International Code of Marketing of Breastmilk Substitutes* with the Nestlé Club and gifts such as the *My Baby's Record Book*. The Philippines Regulations prohibit company activities targeting women of reproductive age.

Danone's Milupa Aptamil follow-on formula not 'the best' concludes watchdog

Background: The UK Advertising Standards Authority has upheld complaints brought by Baby Milk Action over an advertisement for the Milupa Aptamil brand of follow-on formula, now owned by Danone.



The advertisement had claimed that Aptamil is the 'best follow-on milk' and claimed an ingredient called IMMUNOFORTIS (a brand name), helped to protect against infection. The ASA conducted an investigation lasting nearly two years and, after investigating Danone's attempted justification, found the advertisement had breached the advertising code clauses on substantiation, truthfulness and comparisons.



In the same report, the ASA also ruled against an advertisement for Danone's Cow & Gate brand, which similarly claimed it supported the immune system. The National Childbirth Trust had queried the truth of the claim.

While the claims are untrue, the confused and weak nature of the formula marketing law in the UK means that Danone may get away with continuing to use them on labels, websites and elsewhere. You can send a message to Danone asking it to respect the ruling around

the world.



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.

Join Baby Milk Action to receive our Update newsletter. 34 Trumpington Street, Cambridge, CB2 1QY. £18 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

Suggested message 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 am contacting you following the ruling by the UK Advertising Standards Authority that claims made about Milupa Aptamil and Cow & Gate formulas breach advertising code clauses on substantiation, truthfulness and comparisons.

You have been ordered not to run advertisements with claims that Aptamil is the 'best follow-on milk' and that IMMUNOFORTIS and other ingredients in your formulas support the immune system. In the press, your company has said it accepts this ruling. As you know, the Guidance Notes for the *Infant Formula and Follow-on Formula Regulations 2007* state: "Claims about follow-on formula which the Advertising Standards Authority (ASA) have found to be unsubstantiated should not be used in advertising. Manufacturers should also consider such judgements when developing their labelling, websites and other promotional materials."

Beyond this, will Danone undertake to remove all such claims from its labels and stop promoting breastmilk substitutes, not only in the UK, but around the world? Parents should not be subjected to your unsubstantiated and untrue claims.

Mead Johnson - the best start in life?

Background: Mead Johnson has been exposed in Breaking the Rules reports for advertising that suggests its formula prevents blurred vision.



In August 2009, it states on its website that it aims to be 'trusted to give infants and children the best start in life'. It falsely gives the impression that it is achieving this aim of supplanting breastmilk - the best start in life - with claims about its *Enfamil Premium* formula.

However, systematic reviews of studies on the addition of ingredients purporting to give benefits show that the claims are not substantiated.

Send a message to the man responsible: Stephen W. Golsby President and Chief Executive Officer, Mead Johnson Nutrition, Fourth Floor, 2701 Patriot Blvd., Glenview, IL 60026, USA. or via www.mjn.com

I am contacting you regarding your claims that *Enfamil Premium* formula: 'is clinically-proven to promote healthy growth, brain and eye development, and immune system and respiratory health.'

Systematic reviews by the Cochrane Library of studies on the addition of Long Chain Polyunsaturated Fatty Acids and oligosaccharides to formula shows such claims are not substantiated.

I call on you to stop all promotion of breastmilk substitutes and remove claims from labels.