

# Campaign for ethical marketing

BABY MILK  
**ACTION**



December 2004

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*.

## Help to bring in big changes across the European Union

**Background:** The 1991 European Union (EU) Directive on Infant Formula and Follow-on Formula, which drives marketing legislation within the EU and influences legislation in other countries, is now up for review. **This is a critically important opportunity to demand that European infants and their families have the full protection of the International Code and subsequent, relevant World Health Assembly Resolutions**, called for by European Parliamentarians (MEPs) since 1981. See *Update 35* page 3 for details and a suggested letter. Also, please send a message on corporate accountability to Vladimír Spidla (vladimir.spidla@cec.eu.int), Commissioner for Employment and Social Affairs and Günter

Verheugen (email guenter.verheugen@cec.eu.int), Vice-President and Commissioner for Enterprise, both at B-1049 Brussels, Belgium and your MEP. Suggested text:

I am writing to request that the forthcoming *Communication on Corporate Social Responsibility* gives a commitment to the introduction of a legal framework for a company's responsibilities wherever they operate in the world, covering for example, protection of human rights, the environment and employees. This could include, but not be limited to, a mandatory requirement to report annually on compliance with relevant international conventions and standards, including the *International Code of Marketing of Breastmilk Substitutes* and other relevant World Health Assembly minimum standards.

## Nutricia uses free CD to push formula in China

**Background:** In February 2004 Baby Milk Action supported a campaign by our partners in the International Code Documentation Centre, Penang, to stop Nutricia pushing its 'Kissing my Baby' range of formulas in China with a free gift CD of children's songs. Nutricia responded by first attempting to justify the promotion, but following bad publicity in its home country of Holland, the company wrote to ICDC saying that it intended to adjust the marketing programme to be *"entirely in line with the Chinese regulations."*

Monitoring has found that Nutricia did not remove the packshot of 'Kissing my Baby' formula prohibited by the Chinese Rules Governing the Administration and Marketing of Breastmilk Substitutes (1 October 1995) and a mother reports receiving a copy when she bought the formula in the range for use from birth. Giving gifts to promote sales of breastmilk substitutes is prohibited.

The promotion first came to light when Director of Nutricia China, Marc de Reouw, boasted to a television programme that the company had 'gold on its hands' with its entry into the market. While Nutricia looks forward to profit, health experts are already counting the cost. When the International Baby Food Action Network (IBFAN) launched a report in China in May 2004 exposing violations an official with the Ministry of Health told the media: *"The health of following generations of the Chinese nation might be threatened if breastfeeding is replaced by milk powder."* 12 babies died from malnutrition in East China's Anhui Province after being fed milk powder with little, if any, nutritional value, the China Daily reported in May. While people have been detained



ICDC reports that a mother buying the infant formula shown on the right in June received the free CD shown left, which still has a packshot of a 'Kissing my Baby' tin.

for making fake milk powder, Chinese authorities are concerned about the emergence of a bottle-feeding culture.

Suggested letter to Jan Bennink, CEO, NUMICO (Nutricia, Milupa, Cow&Gate), PO Box 1, 2700 MA Zoetermeer, The Netherlands. Fax: +31 79 353 9620

I am contacting you as reports suggest that Nutricia, part of the NUMICO company, is breaking Chinese law and World Health Assembly marketing requirements by promoting its 'Kissing my Baby' range of formulas in China with free-gift CDs, given when mothers purchase formula, and which carry a packshot of formula. Such promotion violates the *Chinese Rules Governing the Administration and Marketing of Breastmilk Substitutes (1 October 1995)*. I understand this promotion is taking place despite an earlier promise from NUMICO that it would change the promotion to comply with the Rules.

I ask you to explain why NUMICO has gone ahead with this promotion and call on you to ensure it is ended immediately.

## Time for Nestlé to face the truth

**Background:** Nestlé's response to the campaign against its aggressive marketing of baby foods is to claim that it stopped promotional practices in the 1970s and stopped distributing free supplies in the 1990s. It blames the on-going controversy on incorrect interpretation of the marketing requirements and says its own instructions are in line with the *International Code*.

Nestlé is not telling the truth. It has been prosecuted for illegal marketing activity. Its claims have been discredited before the Advertising Standards Authority. Its senior executives lose debate after debate with Baby Milk Action at universities and schools. Instead of making the required changes - and accepting our four-point plan aimed at saving lives and ultimately ending the boycott - Nestlé prefers to continue with business as usual and to spend millions of pounds on public relations materials, an anti-boycott team and using donations in an attempt to improve its image.

Baby Milk Action says it is time for Nestlé to put up or shut up and we are calling for it to take part in an in-depth tribunal which will examine who is telling the truth. When this suggestion has been made to Nestlé at debates - where there is insufficient time to cover the issues in detail - Nestlé's Head of Corporate Affairs has fallen silent. So we are asking our supporters, Nestlé's supporters and confused on-lookers to put pressure on Nestlé to agree in principle to an independent tribunal, where expert witnesses can be called. Nestlé refused to turn up to a Public Hearing at the European Parliament in November 2000, but the campaign has gained strength since then: in the past Nestlé refused to even speak in public if Baby Milk Action was in the room, but pressure from the boycott now forces it to attend the debates. A report on a debate that took place at Edinburgh University on 3 November is available on the Baby Milk Action website. If you would like to organise a debate at your institution please contact [mikebrady@babymilkaction.org](mailto:mikebrady@babymilkaction.org)

Pending the tribunal, documentary evidence of the case against Nestlé can be found on the Baby Milk Action website. As well as examples of Nestlé malpractice, the 'Your Questions Answered' section provides in-depth briefings on aspects of the campaign.



**Baby Milk Action coordinates the 20-country international Nestlé boycott which has prompted some improvements to**

**marketing practices. The boycott focuses on Nestlé because it controls about 40% of the world market in baby milks and uses its influence to undermine controls on marketing activities. Monitoring shows Nestlé to be the largest single source of violations worldwide.**

**⇒ If you are boycotting Nestlé products, such as Nescafé coffee, write and tell Nestlé.**

As well as documenting current malpractice and exposing dishonest statements, we are adding details of the history of the campaign as time and resources allow (contributions for this project are welcome). For example, the boycott was called off in 1984 after Nestlé gave undertakings to the International Nestlé Boycott Committee (INBC) and Nestlé claims that today only extremists are keeping it going. Yet the documents show that Nestlé not only broke the 1984 agreement, prompting the re-launch of the boycott in 1988, but continues to break it.

- Nestlé said it would abide by the *International Code* globally in 1984, including supporting implementation of the Code in Europe. Today Nestlé claims the Code applies only to a list of developing countries of its own invention.
- Nestlé said it would bring its policies into line with the Code. In the joint statement suspending the boycott of 25 January 1984: *"Both parties praise UNICEF's assistance in clarifying provisions of the Code."* Nestlé did not make the required changes and today refuses outright to make changes called for by UNICEF.
- The 1984 agreement was to be the start of a process. In the 1984 statement ending the boycott in Europe, Lisa Woodburn, Coordinator of INBC Europe, said: *"We have a clear program of further negotiation, coupled with compliance and accountability, worked out for Nestlé."* As the boycott ended, so did Nestlé's willingness to respond to campaigners' concerns.
- In 1984 monitoring by the International Baby Food Action Network (IBFAN) showed Nestlé had to take action to end violations of the marketing requirements. IBFAN's 2004 monitoring report shows Nestlé is responsible for more violations than any other company.

If you want to see Nestlé put its case before an independent tribunal, send a letter along the following lines to Hilary Parsons, Head of Corporate Affairs, Nestlé (UK), St. George's House, Croydon, Surrey, CR9 1NR. Fax: 0208 667 5440.

Nestlé claims that it is doing nothing wrong in the way it markets baby foods around the world. Baby Milk Action claims that it has documentary evidence to demonstrate that Nestlé is in breach of international marketing standards for baby foods and that Nestlé's claims to abide by the marketing standards are dishonest.

If Nestlé truly believes it is able to stand on its record will it agree to take part in a public tribunal to respond to the case made by Baby Milk Action? The purpose of such a tribunal is not to negotiate over interpretation of the World Health Assembly's marketing requirements or the boycott, but to ascertain who is telling the truth. Baby Milk Action has proposed that an expert panel is convened to respond to and report on the evidence and that sufficient time be given to examine all issues thoroughly, calling expert witnesses as appropriate. Will Nestlé agree to this proposal in principle? If so, I encourage you to contact Baby Milk Action immediately to agree the format of the public meeting. If Nestlé is not prepared to accept Baby Milk Action's suggestion, I will be forced to conclude this is because you know your arguments do not stand scrutiny.

**SUCCESS IN BRAZIL:** Many thanks to everyone who joined in the campaign to save Brazil's inspirational baby food marketing law from an industry assault. The campaign succeeded.

Join Baby Milk Action to receive our *Update* newsletter. 23 St. Andrew's Street, Cambridge, CB2 3AX. £15 waged, £7 unwaged. Tel: (01223) 464420. Fax (01223) 464417. E-mail: [info@babymilkaction.org](mailto:info@babymilkaction.org) Baby Milk Action's Web Site is at <http://www.babymilkaction.org/> and includes an on-line shop.





