

3 November 1997

Dear Mr Brabeck,

Thank you for your letter of 15 October. I appreciate your visiting UNICEF with representatives from Canada, Guatemala and Thailand and the presentations made on marketing strategies used in those countries. This meeting did provide us with a clarified picture of Nestlé promotional activities.

Stephen Lewis and the other UNICEF staff members present at the meeting have indeed filled me in on that part of the discussions which I missed when constrained to leave before the conclusion. We have since had an opportunity to reflect upon the situation and discuss the issues more fully. In the course of these internal consultations we have come to the considered conclusion that there do not appear to be opportunities for cooperation that would be of mutual benefit to our respective organisations at this time. The outstanding and significant differences in our views on the content and application of the International Code represent a barrier to any such cooperation.

In the same spirit of openness that characterised our meeting, I would like to highlight just a few of those differences.

UNICEF remains convinced that the International Code applies in all countries. The following paragraph from the preamble to the Code makes it clear that no country is free from the adverse effects on child health and nutrition of artificial feeding.

"Recognizing further that inappropriate feeding practices lead to infant malnutrition, morbidity and mortality in all countries, and that improper practices in the marketing of breast-milk substitutes and related products can contribute to these major public health problems."

Mr Peter Brabeck-Letznathe
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As the Director General of WHO, Dr Hiroshi Nakajima, and my predecessor, Mr James Grant, wrote to the President of the IFM on 9 July 1991.

"Neither WHO nor UNICEF draw any distinction between developed and developing countries with respect to breast-feeding in general or the International Code in particular..." concluding that. "...it is the position of WHO and UNICEF that the adoption of and adherence to the International Code of Marketing of Breastmilk Substitutes in its entirety in all countries is a minimum requirement and only one of several important actions required in order to protect healthy practices in respect of infant and young child feeding."

On the question of the appropriate age for the introduction of complementary foods, we feel bound to adhere to the policy recommendations made by the World Health Assembly in Resolution 47.5 (May 1994) in terms of which complementary feeding practices should be fostered from the age of about six months. This shift from the "four-to-six" month wording used in previous Resolutions is consistent with on-going scientific investigation.

Nestlé's limitation of the scope of the Code to infant formula is another matter of contention. The plain wording of Article 2 of the Code shows clearly that the term "breastmilk substitutes" can include "other milk products, foods and beverages" depending on how they are marketed. This language, adopted by the Members of the World Health Assembly, overrides any contrary implications contained in the introductory statement by the Representative of the Executive Board to which Mr Fookes referred during our meeting.

With regard to the question of interpretation in general, it is important to note that there are no real differences recognised by UNICEF and WHO at this time. These have been progressively removed by subsequent World Health Assembly Resolutions. As Dr Antezana wrote to UNICEF's Special Adviser to the Executive Director, Dr Nyi Nyi, on 27 January 1995,

"We do indeed agree that WHA Resolution 47.5 cleared up some troublesome lack of clarity with respect to issues related to application of the principles and aim of the International Code of Marketing of Breastmilk Substitutes. We, therefore, agree that there seems to be no need, for the present, for discussions on definitions."

While noting your objections to the IGBM monitoring report, "Cracking the Code", we did not receive copies of reports of equivalent comprehensiveness based on Nestlé's internal self-monitoring processes. We find all the evidence available to us indicative of a world-wide disparity between Code provisions and industry marketing practices. I see no reason to revise the view that UNICEF expressed in January 1997 in response to the IGBM report, which we found to be a sound analysis of the promotional practices of a number of manufacturers of breastmilk substitutes in the four countries selected.

Our meeting thus regrettably reconfirmed the historic and on-going divergence between the best interests of children as represented by UNICEF and those of the infant feeding industry. As you well know, we have endeavoured in the past, unsuccessfully, to resolve those differences.

It continues to be clear that the divergent views are simply not reconcilable in specific and critical areas. Therefore, much as we appreciate the opportunity to have had the meeting, it does not seem to us to be useful to maintain such contact in the future.

Sincerely yours,

Signature obscured
for security reasons

Carol Bellamy
Executive Director