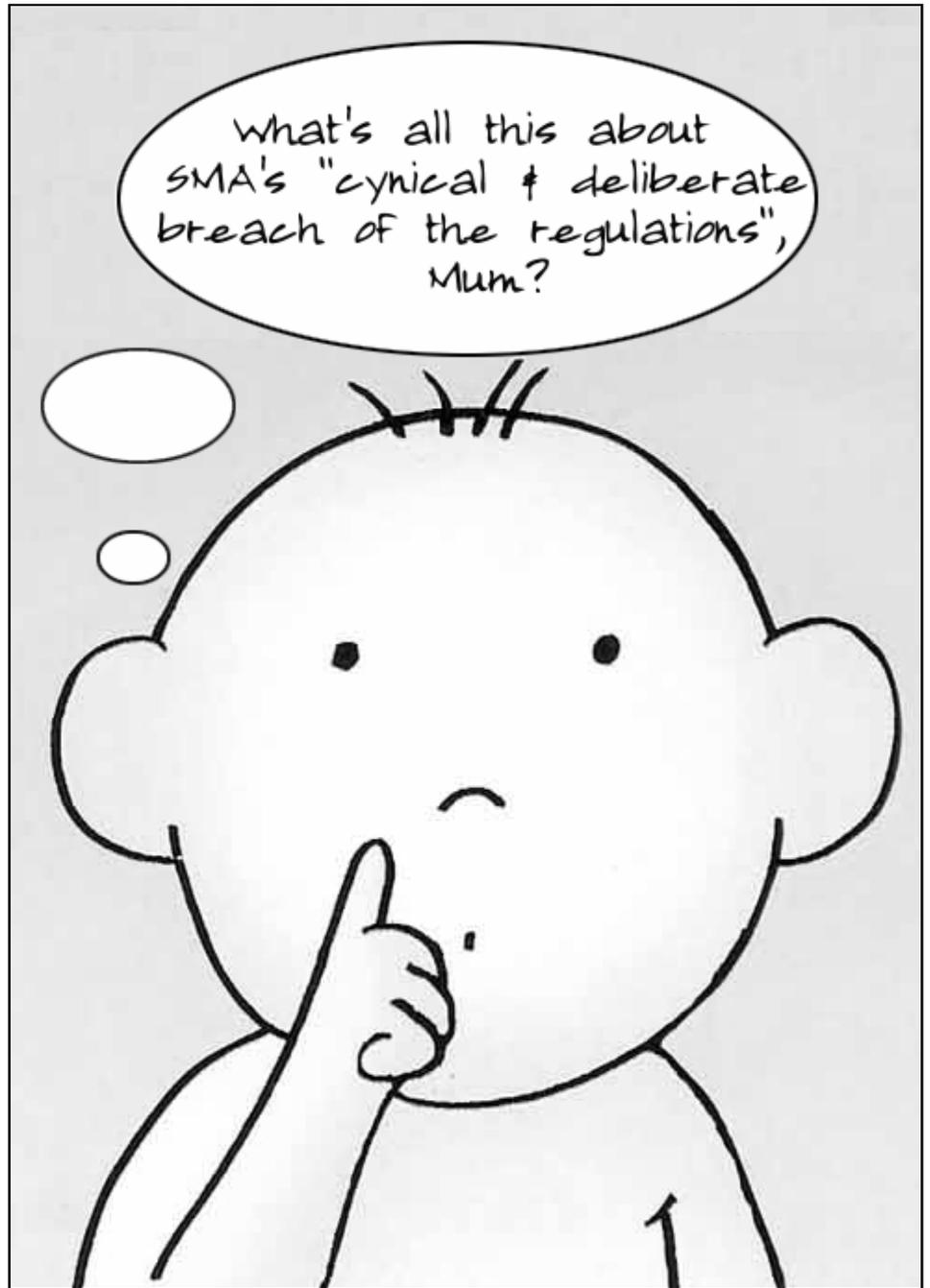


**THE
SMA
MILK**

BABY MILK
ACTION



Detail from the illegal SMA advertisement (if the baby could talk)

Court convicts Wyeth/SMA

India toughens its law

Its official - 6 months exclusive
breastfeeding advice for UK babies



Breast is best

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.

Baby Milk Action

23 St. Andrew's Street
Cambridge CB2 3AX
Tel: (01223) 464420
Fax: (01223) 464417
info@babymilkaction.org
www.babymilkaction.org

Líonra (formerly Baby Milk Action Ireland)
info@lionraonline.org
www.lionraonline.org

Baby Milk Action is funded by membership (£15 waged, £7 unwaged, £20 family, £30 organisations), donations and merchandise sales. We receive grants from Oxfam, Save the Children, SCIAF, The Rowan Charitable Trust, the United Reformed Church, UNISON, War on Want and World Vision.

Update 33 was written by Mike Brady, Patti Rundall, and Alison Mortlock. We aim to produce three **Updates** a year, but this is not always possible. We welcome letters and contributions. All material may be used if credited.

Cover: Detail from the Illegal SMA infant formula advertisement at the centre of the court case. Prima Baby Magazine. June 2001

Thank you: Members will know that this is an especially difficult year for Baby Milk Action as some of our largest grants, (including the from one from the European Commission which we have had for 12 years) have been reduced or stopped because funding priorities have changed. We are now working on the barest minimum budget. Thanks to all who responded to our appeal - this helped us stay in business. We still exist on a knife edge, so do please keep us in mind if funds come your way. Remember, we take no corporate funding and depend on you.

Just read this...

If you don't have time to read the whole newsletter, you need to know:

- SMA Nutrition was found guilty of violating UK law, despite asking a professor of paediatrics to help. (p 3 - 5)
 - UK recommends 6 months exclusive breastfeeding. Baby Feeding Law Group website launched. (p 6)
 - Parents Jury survey finds Bounty packs undermine breastfeeding (p 6).
 - India toughens its law, banning health worker sponsorship and promotion of baby foods for use up to 2 years of age. (p 7).
 - French environmental campaign undermines breastfeeding. (p 8)
 - Shocking company practices in Togo, Burkino Faso, and Botswana exposed. (p10)
 - WHO tackles food related diseases, taking on the food and drink industry. Health claims are tackled by the European Commission but stalled by the US at Codex. The Codex Trust Fund rejects industry funds. (p11)
 - Teachers are warned of the risks of commercial sponsorship. (p11)
- And Nestlé Boycott News:**
- Demonstrations wake up Nestlé management. (p1)
 - Nestle is voted least ethical company. (p1)
 - Unions vote to stop Nestle exhibition at the TUC. (p1)
 - BBC shows Lord Richard Attenborough trying to persuade Mandela to take Nestlé funds. Mandela's Children's Fund says it will not take Nestlé money. (p1, 2)
 - Oxfam exposes Nestlé's cash grab in Ethiopia. 40,000 people respond and force a climbdown. (p 2)
 - Authors reject Nestlé sponsorship of prizes. (p3)

Correction: We apologise to the family and friends of Shirley Haddlesley, who made a generous donation towards our work in her memory, for the misspelling of her name in UD 32.

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 within a global network (IBFAN) to strengthen independent, transparent and effective controls on the marketing of the baby feeding industry.



IBFAN, the International Baby Food Action Network, is made up of more than 200 groups in over 100 countries. Baby Milk Action co-ordinates the International Nestlé boycott.

International Code

We work for controls implementing the **International Code of Marketing of Breast-milk Substitutes**. This was adopted in 1981 by the World Health Assembly, the policy setting body of the World Health Organisation (WHO). 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**". Subsequent Resolutions have been adopted by the Assembly to address questions of interpretation and changes in marketing practices and scientific knowledge.



Wyeth/SMA on trial

Judge convicts Wyeth/SMA of "cynical and deliberate breach of regulations"

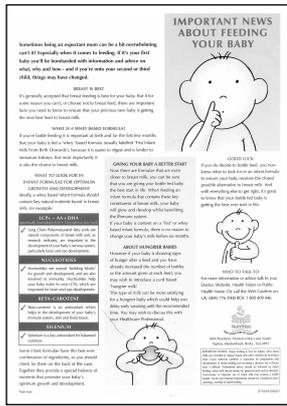
A mother complains to her local Trading Standards office about what she thinks is an infant formula advertisement. This simple action sparked an 8-day trial of a US pharmaceutical company that goes to the heart of concerns about the impact of trade on health, and will have enormous significance for mothers and infants.

On 31st July Deputy District Judge, Rod Ross, found Wyeth (the parent company of SMA Nutrition) guilty on 6 separate counts for illegal advertising direct to consumers. He fined the company £60,808 (including costs) - equivalent to three minutes sales for the company.

Wyeth took on Birmingham Trading Standards' Legal Unit, with an attack on the UK Government's right to regulate the marketing of baby milks. The case suggests that similar advertisements (many of which were examined by the court) are illegal.

The judgment will send a message to the whole industry that it can no longer be complacent about the many other current marketing practices that violate the UK Law such as irresponsible labelling and direct contact to mothers (through Carelines etc).

Judge Ross said: "The



The advertisement at the centre of the case. Prima magazine, July 2001.

Defendants have deliberately 'crossed the line' in an effort to advertise direct to a vulnerable section of society. This is a cynical and deliberate breach of the regulations."

Noting that Graham Crawford, SMA Director and Chair of the UK Infant and Dietetic Foods Association (IDFA), had ignored the advice of an in-house lawyer that the article was probably a breach of the law, (Wyeth claimed that the lawyer was new to the company), Mr Ross said: "It is clear to me that the defendant knew very well that the article could be perceived by the public as an advert for SMA Gold... They were prepared to ignore the advice of their legal department and took the risk of prosecution."

The European point
Wyeth/SMA brought in Professor Alan Lucas as an expert witness to back up its claim that the 'information piece' was not harmful and did not 'downgrade the distinction between breastfeeding and formula.' The company intended to use this to prove that the UK's advertising ban is unnecessary on health grounds and that it 'fetters the free movement of goods,' stopping companies such as Nestlé, entering the market. The Company said that Germany permits advertising of infant formula but attempted to exclude evidence that many other EU countries, such as France, the Netherlands, Belgium, Denmark and Luxembourg, have banned it, as specifically permitted under European legislation.

The judgment should strengthen the case for bringing the UK Law into line with the *International Code and Resolutions*, which are policies agreed by the World Health Assembly, the world's highest health policy setting body. If the case had been lost on the European Point (or does so on a possible appeal), the UK would have been under pressure to ensure that its legislation is no stricter than the weakest of any other country in Europe. Cont'd p 4.



Photos: Patti Rundall

Above right. Ms Andrews, SMA defence lawyer, claiming that photographing SMA Director, Mr Crawford (above left) outside the court was an infringement of his personal privacy. Interesting, considering her treatment of one of the civilian witnesses. When the prosecution asked about the relevance of her questions, the Judge commented: "She is attacking the character of the witness in an underhand way, attempting to ridicule her."

Left to right below: Not so shy campaigners who came to hear the verdict: Mike Brady, Magda Sachs, Patti Rundall and Peter Greaves.



Wyeth/SMA facts: US pharmaceutical company (formerly called American Home Products) Annual sales 2002: \$14.6 billion. 2nd largest baby food company and Code violator in the world. In 1983, Wyeth led the industry in forming a weak UK voluntary code, effectively delaying UK legislation for years. When the EU Directives were adopted in 1991, Wyeth changed its name to SMA Nutrition to match the UK brand and get round the advertising restrictions. The Wyeth advertisements and slogans used in the UK are found by IBFAN all over the world.



Wyeth/SMA on trial

continued from p3

Judge Ross said: "In my view the manufacturers are playing on a 'level playing field'...It is clear that it is important to uphold the law of the land in the public interest bearing in mind the stability in our society."

Mr Ross said that Graham Crawford had not exercised 'due diligence' and had been "extra-ordinarily evasive throughout his cross-examination. His expertise was rather less than he wanted me to believe."

In mitigation SMA claimed that it had been 'misled' by the activities of other companies.

"As somebody who has spent his professional life concerned with ways of improving childrens' health through improving nutrition and diet and as somebody who sees this being eroded by attempts to violate the WHO Code I applaud Trading Standards' prosecution of SMA. I offer my thanks and congratulations, but more importantly please, on their behalf, accept the thanks of children born and yet to be born who will benefit from your successful case."

Professor Andrew Tomkins, Centre for International Child Health, Institute of Child Health, London.

What the case was about

The *International Code* bans advertising of breastmilk substitutes, but the UK Infant Formula and Follow On Formula Regulations 1995 allow advertisements for infant formula for babies up to six months to be published or displayed through the healthcare system, in a scientific publication, in a publication not widely available to the public, or for the purposes of trade before retail. The six advertisements placed by SMA violated the Law because they were in magazines on sale in shops. The EU Directive which gave rise to the UK law specifically permits the banning of advertising.

Despite the UK Government's consistent support for the Resolutions passed at the World Health Assembly, the UK has yet to ensure that its law meets the minimum requirements which will protect the rights of infants in this country. **Write to Melanie Johnson, Minister for Public Health, to ask for the law to be brought into line with the International Code and Resolutions.**

Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS. www.doh.gov.uk/index.htm

For copies of the legislation, its amendments, a commentary on how it should be improved, how to monitor and suggestions for what you can do to help, go to: www.babyfeedinglawgroup.org.uk There is no central register of complaints made to Trading Standards so please remember to copy correspondence to us.

ACTION POINT

Does commercial promotion affect breastfeeding rates?

SMA's expert witness Prof Alan Lucas claimed he was unaware of any data that demonstrates that commercial material, such as the SMA piece, are harmful. However, a simple search on an electronic search engine such as *Medline*, reveals over 200 articles addressing the widespread concern about the impact of commercial promotion especially within health care settings. Here are just a few.

Office prenatal formula advertising and its effect on breast-feeding patterns.

Howard C et al. *Obstetrics and Gynaecology* Vol 5, No 2, Feb 2000 p296-303 This study of 547 pregnant women, compares the effect of formula company-produced materials about infant feeding to breast-feeding promotion materials without formula advertising on breast-feeding initiation and duration. Although breast-feeding initiation and long-term duration were not affected, exposure to formula promotion materials increased significantly breast-feeding cessation in the first 2 weeks. Additionally, among women with uncertain goals or breast-feeding goals of 12 weeks or less, exclusive, full, and overall breastfeeding duration were shortened. The study concludes that formula promotion products should be eliminated from prenatal settings.

Evidence for the 10 Steps to successful breastfeeding. Tables 1.1, and 6.4 and 6.5. WHO Geneva 1998 This (and many other useful documents) can be downloaded from WHO's website: http://www.who.int/child-adolescent-health/publications/NUTRITION/WHO_CHD_98.9.htm

The influence of Infant Food Advertising on infant feeding practices in St Vincent. *International Journal of Health Services* Vol 12 No 1 1982 p 53 to 75.

A Social Science Perspective on Gifts to Physicians from industry, Dana J et al,

JAMA, July 9, 2003 - Vol 290, no 2: 252-255. (published after the trial.)

Breastfeeding in Norway – where did they go right? A Gerrard, *British Journal of Midwifery*, 2001 May, vol. 9, no. 5, p: 294-5, 297-300, (21 ref), <http://www.cinahl.com/cgi-bin/refsvc?jid=1450> ISSN: 0969-4900. This comparative paper between Scotland and Norway, analyses the historical, social and cultural factors that influence the prevalence of breast-feeding. It concludes that the strong cultural norm to breast-feed in Norway is partly because of a more relaxed attitude towards the naked human body, a healthier lifestyle in general but also because strategies to reverse the effects of commercial promotion of formula milk, and inconsistent advice by health professionals were implemented at an early stage of the declining trends.

Do consumer infant feeding publications and products available in physicians' offices protect, promote, and support breastfeeding? Valaitis RK, Sheeshka JD, O'Brien MF. *School of Nursing, McMaster University, Hamilton, ON, Canada. J Hum Lact.* 1997 Sep;13(3):203-8.

Commercial hospital discharge packs for breastfeeding women (Cochrane review). Donnelly A., Sonwden HM, Renfrew MJ, Woolridge MW. In: *The Cochrane Library*, Issue 2, 2002 Oxford: Update Software.

The U.S. infant formula industry: is direct-to-consumer advertising unethical or inevitable? Cutler BD, Wright RF. *Health Mark Q.* 2002;19(3):39-55. T, Until Nestle's entry into the U.S. infant formula market in 1988, there was little direct-to-consumer promotion of infant formula. This article provides a historical background of infant feeding in the United States and looks at how mothers' make their infant formula selection.

Violations of the international code of marketing of breastmilk substitutes: prevalence in four countries. Taylor, A *BMJ* 1998;316:1117-1122. This study by Anna Taylor of the Interagency Group on Breastfeeding Monitoring (IGBM) is based on interviews of 3050 women and 466 health professionals in 165 health facilities in Bangladesh, Poland, South Africa, and Thailand. Prof Lucas dismissed the whole study as unsound. For more information about IGBM see www.scfuk.org.uk/development/links/IGBM.htm.



Wyeth/SMA on trial

Prof. Lucas sits on SMA team

Wyeth/SMA brought in as an expert witness for the defence, Alan Lucas, Professor of Paediatric Nutrition at the Institute of Child Health, London and world renowned researcher. His selective use of information during this case has shocked many campaigning for infant health and will inevitably affect how he is viewed.

Prof Lucas sat with Wyeth's defence team throughout the trial, submitting an expert report which SMA used in its attack on the UK ban on advertising. With his extensive knowledge of the benefits of breastfeeding, which he acknowledged several times, he walked a fine line. He asserted that since the majority of babies in the UK are bottle fed it was important to work closely with companies to ensure that babies receive the best alternative possible and mothers are properly informed. He said he wanted to promote breastfeeding, and to prevent "reckless advertising" and any "downgrading" of breastfeeding. However, he ignored the basis on which the *International Code* is adopted as a universal recommendation and a minimum requirement for all countries, taking the position that the SMA advert was an industry standard and was a reasonable compromise for "the West." Several times he said he was not aware of any data that demonstrates that an information piece, such as the one in question, is harmful. (See p 4.)

Prof Lucas said that GPs and primary healthcare workers have poor understanding of infant nutrition and that companies hold important information that mothers need to know. He referred to company-operated *Carelines* (which Baby Milk Action believes to be illegal) as a possible source of information for mothers. These points were not relevant to the question "is

this an advert or not?", which the judge kept stressing, but they may be relevant if Wyeth takes the case to appeal.

Unfortunately for the defence, while attempting to prove that Wyeth was no worse than any other company, Prof Lucas substantially undermined the company's main argument that the piece in question was not an advertisement. He said it did indeed point to a particular product - as did many of the 15 advertisements by other companies which were examined by the court. He claimed that the mention of ingredients, even without a logo, would be enough to identify a product, saying, "*Why would they talk about LCPs if they didn't have a product with it in?*"

Prof Lucas claimed that he was 'neutral' and there to 'help both sides'. However, several times the prosecution Barrister, Richard Barraclough QC, reminded him that as an impartial expert witness he should ensure that the court is made aware of contrary opinions, suggesting that Prof Lucas had allowed his judgement to be clouded by his own treatment. Prof. Lucas had termed one breastfeeding support group as 'extreme' because of its rules on conflicts of interest. Prof Lucas apologised for this and for leaving out key information from his report, but vehemently denied being 'selective'.

Prof Lucas listed his numerous achievements, including his

many clinical posts, credits, and 320 articles, reviews and books on paediatrics. He stated that his centre holds the best data on the use of human milk for sick infants, milk banking, the impact of infant feeding on long-term health and that his research is used by breastfeeding advocacy groups.

Surprisingly, Prof Lucas said he did not know of the UK Government targets for breastfeeding, but had drafted a letter which he said he would probably be sending to the Department of Health, asking it to reconsider its recommendation on 6 months exclusive breastfeeding.

He said he was unaware that the Committee on the Convention on the Rights of the Child had called on the UK Government to implement the *International Code*. He acknowledged that his original report setting out advertising regulations in other countries wasn't balanced.

The defence asked Prof Lucas to talk about "*possible adverse effects of breastfeeding,*" referring to his own research. One controversial study, whose methodology has been widely challenged, carried the inference that breastfeeding followed "*by a western diet*" could increase the risk of heart disease. (1) The study was published in the *British Medical Journal* with two press releases, so generated worldwide misleading publicity (including in India) suggesting that breastfeeding may cause heart disease, despite the fact

that the data did not confirm this conclusion. (see UD29 p4)

As evidence of his links with breastfeeding advocacy groups he cited lectures to La Leche League and claimed that one of his chief scientists is an advisor to the National Childbirth Trust. (NCT are baffled by this claim.)

Prof Lucas acknowledged extensive 'involvement' with the baby food industry, saying that he held several advisory posts in the EU, US and in the UK, including the Chair of an Advisory group to the industry lobbying body, INFORM. He said his role is to advise industry on how to properly position themselves in the UK. He did not mention funding, until questioned by the prosecution. To us, following the case, he has confirmed that until recently, nearly 70% of his funding came from baby food manufacturers (it is unclear whether this is his personal or institutional research income). He told us his research is now predominantly publicly funded. In court he denied the suggestion that he was part-funded by SMA, claiming that their research relationship was "*symbiotic.*"

He told us he had not decided whether to accept his fee for his work relating to the court case for Wyeth/SMA.

(1) (Leeson et al, (2001) *Duration of breastfeeding and arterial distensibility in early adult life: population based study*, BMJ, Vol. 322, (643-647))
The 42 responses to this paper can be found on <http://bmj.com/cgi/eletters/322/7287/643>



Its official: UK recommends exclusive breastfeeding for six months

On May 12th, at the start of National Breastfeeding Week, the UK Department of Health issued a Press Release announcing its decision to recommend exclusive breastfeeding for six months followed by continued breastfeeding with adequate complementary foods, endorsing the World Health Assembly Resolution, (WHA Res 55.25) originally proposed by Brazil. The news, announced by Hazel Blears, (the Health Minister at the time) was greeted with delight by those working to protect breastfeeding and infant health.

In its press statement, the Department of Health pulled no punches about benefits of breastfeeding, stating that: ***"there are proven health benefits to breastfeeding for both child and mother in the short and long term. Babies who are breastfed have a lower risk of gastro-enteritis and respiratory and ear infections. There is some evidence that long term breastfeeding may help mothers lose the excess weight they gain during pregnancy and children who are breastfed may be at lower risk of becoming obese later in childhood. Also the risk of pre-menopausal breast cancer in mothers is reduced the longer they breastfeed."***

The announcement generated over 500 news

articles, the majority of them positive. The mother and baby press - which receives income from baby food advertising - continues to run adverts promoting complementary foods for use before 6 months. We wait to see if it will oppose the Government's policy.

Baby Feeding Law Group

The announcement was welcomed by professional bodies such as the Royal College of Midwives and the Community Practitioners and Health Visitors' Association who are both members of the Baby Feeding Law Group. Since its formation in 1997, BFLG has been calling on the Government to adopt the ***International Code*** and Resolutions and to protect parents' rights to a health care system free from commercial pressure.

www.babyfeedinglawgroup.org.uk

The evidence for the WHO's recommendations on infant feeding, including the 6 months exclusive breastfeeding issue, complementary feeding, emergencies and HIV are available on WHO's website: www.who.int/child-adolescent-health/NUTRITION/infant.htm The Department of Health website has many pages on breastfeeding and even a link to the IBFAN website! www.doh.gov.uk/infantfeeding/index.htm

Parents Jury

A small survey of 120 mothers by The Parent's Jury (set up by the Food Commission), found that good intentions to breastfeed were undermined by industry promotion tactics and bad advice from health workers. 76% of the mothers received Bounty Packs when their babies were four months old, which included baby food and follow on milk samples and vouchers. Wyeth/SMA was reported giving a presentation on ***'emotional aspects of parenting'*** at an ante-natal class, offering branded gifts such as pens and writing pads. 25 parents were encouraged by health workers to supplement with formula milk when problems arose. see: www.parentsjury.org

When is the baby ready to wean?

Research done by Agneta Cornell for the World Health Organisation, involving 561 mother and baby pairs, found that a substantial proportion that weaned early had a weaning pause. So although statistics may show high rates of early weaning, many babies stop for a while.

"During the 'accustoming period' 110 infants (24%) had at least one period of more than seven consecutive days when no solids were consumed (i.e. a 'pause'). The younger the infants at introduction, the more likely it was that at least one pause would occur."

Breastfeeding and Introduction of other Foods, Agneta Cornell, PhD thesis, 2000. p 23

Soya Milk warning

The report on phytoestrogens by the UK Government's advisory Committee on Toxicity in Food (COT), outlined the potential risks of soya-based infant formulae. The Scientific Advisory Committee on Nutrition (SACN) also looked at the issue and concluded that there is no clinical need for soya-based formulae. Baby Milk Action is asking the Government why these formulae are still freely available for sale on shelves, with no warnings and without even the need for a prescription. The Food Standards Agency has a web-based Q&A on healthy eating. This explains some of the concerns along with a rather weak warning suggesting that hydrolysed protein infant formulas are better nutritionally than soya-based formulas for allergic babies. FSA suggests consulting a health worker and says it has asked the Dept. of Health to review its advice.

See: www.foodstandards.gov.uk/healthiereating/asktheexpert/childbabies/soyaformula, www.soyonline.co.nz. *Artificial baby milks: how safe is soya*, Tessa Martyn, Vol 6, No 5 May 2003, Midwives, available from Baby Milk Action (50p) or download from www.babymilkaction.org.



India puts health before profits

On 6th May both the houses of the Parliament of India took a historic action to approve a strengthening of 1992 Indian legislation covering baby milk and food marketing. With the passing of the Amendment Bill 2003, baby food manufacturers in India will no longer be permitted to promote products for consumption below the age of two or fund meetings, conferences or any other activities of 'Health Workers' and their 'Associations'.

The malnutrition and mortality linked to aggressive promotion is recognized as a major public health problem in India. The 1992 Act itself was a breakthrough in consumer protection, but it left loopholes, which were continuously



This type of babyfood promotion, which appears in magazines and newspapers all over India, will be illegal under the amendment of the Indian law.

exploited by babyfood manufacturers.

In 1995, when Nestlé was served with criminal charges over its violation of the Act, the company issued a Writ Petition against the Government, calling for many of the protective clauses to be removed. The fact that the

Government has faced up to this challenge, strengthening rather than weakening the law, sends an important signal around the world, at a time when the pressure is being stepped up to deregulate marketing.

Says Dr. Arun Gupta, the National Coordinator of the Breastfeeding Promotion Network of India (BPNI), the IBFAN group working to promote breastfeeding, "Today, one more battle has been won in the field of protecting, promoting and supporting breastfeeding in India. The Amended Bill strongly directs that infant foods should only be sold for consumption by babies who are more than six months of age and promotion of infant milk substitutes or infant foods is now prohibited for babies up to the age of two years. This comes in support of World Health Assembly's Resolution 54.2 that defines the period of exclusive breastfeeding to be first six



months. It removes any ambiguity whatsoever about the fact that complementary foods should only be introduced after age of six months along with continued breastfeeding for two years or beyond."

A major change is removal of commercial influence on infant feeding. The Indian Delegate to the World Health Assembly in May 2002 made an important intervention during the discussion on WHA Resolution 55.25. He said, "Commercial enterprises, by definition, are profit-driven entities. It is neither appropriate nor realistic for the WHO to expect that commercial groups will work along with governments and other groups to protect, promote and support breastfeeding."

The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Amendment Bill, 2003, strengthening the existing Act of 1992.

For more information see: www.bpni.org

What the new law does

In addition to the prohibitions contained in the 1992 Act, the Amended Bill 2003, will prohibit the following:

- Promotion of all kinds of foods for babies under the age of two years,
- Promotion of infant milk substitutes, infant foods or feeding bottles in any manner including advertising, distribution of samples, donations, using educational materials, and offering any kind of benefits to any person,
- All forms of advertising including electronic transmission by audio or visual transmission for all products under its scope, i.e. infant milk substitutes, infant foods or feeding bottles,
- Promotion of products under its scope, i.e. infant milk substitutes, infant foods or feeding bottles, by a Pharmacy, Drug store or a Chemist shop.
- Use of pictures of infants or mothers on the labels of infant milk substitutes or infant foods.
- Labelling of infant foods for use before six months.
- Funding of 'health workers' or an 'association' of health workers for seminars, meetings, conferences, educational course, contest fellowship, research work or sponsorship.



Environmental campaigning - the risks for infant health



Two ways to campaign

Far left: The poster - part sponsored by L'Oreal/Nestlé - which appeared all over France in July and has saddened health advocates.

Near left: the advertisement placed by the World Wildlife Fund in the Observer Magazine on 1 May. This has the same aim, to reduce environmental pollution, but does not do harm.

Chemical contamination - what are the concerns?

If we tested every infant born today, anywhere in the world, he/she would have a body burden of toxic chemicals which will have been passed from parent to child even before birth. Tiny doses of these chemicals can have a dramatic effect on the developing child, damaging the immune and nervous systems. The chemicals not only cross the placenta, they are found in fatty body secretions such as breastmilk, semen and even ear wax.

Campaigns to reduce dioxins and Polychlorinated Biphenyls (PCBs) have - over the years - reduced the levels of harmful chemicals found in these body secretions. However, new technologies are creating new chemicals which build up in the body and show up in a similar way. Flame retardants (a group of 70 chemicals) anti-bacterials (Triclosan) and artificial fragrances can all act as hormone disrupters and can be cancer related. Some of these new chemicals have chemical properties similar to PCBs.

If levels of contamination are allowed to increase unchecked, breastmilk could become more contaminated. But in this case the health of the unborn child would be already severely compromised and the immune protection and other benefits provided by breastfeeding would be even more important. Breastfeeding, even in a contaminated environment, has a positive impact on development, building a stronger immune system, and counteracting many of the longer-term adverse developmental effects of the pollutants.

Artificial baby milks are more contaminated than breastmilk, in different ways. They have been found to contain phthalates, bisphenol A, aluminium and heavy metals, GM ingredients, phytoestrogens and spore bacteria. Any increase in artificial feeding would result in greater contamination of the environment.

Responsible NGOs working to reduce environmental pollution focus on the industrial sources of contamination - not on breastfeeding.

For action ideas see: www.foe.co.uk/campaigns/safer_chemicals
www.wwf.org.uk/chemicals/problem.asp, www.wen.org.uk
Contact Baby Milk Action for position papers on this subject including the results of WHO's Study on the levels of PCBs in Human Milk.

A poster campaign which appeared all over Paris and other French cities in July, just before World Breastfeeding Week, has outraged and saddened health advocates. The poster shows a breast dribbling a dirty, oily fluid - alongside the name of a private foundation which is run by the French TV journalist and green campaigner, Nicolas Hulot. The website of the foundation - www.planet-nature.org - is part sponsored by L'Oreal, which is part owned by Nestlé. IBFAN, LLL and many other groups have written to Nicolas Hulot, but, since the posters were already in place, the damage had been done.

The failure of Mr Hulot to consult widely before running with this campaign, contrasts with the British environmental groups, Greenpeace, Friends of the Earth, the Women's

Environmental Network and the World Wildlife Fund, who, in December 2002 spent a day with Baby Milk Action, the National Childbirth Trust and others to discuss tactics for a joint campaign to call for phasing out - wherever feasible - of harmful chemicals which build up in the body. There is strong opposition from the chemical industry to such controls, so all the groups were aware of the importance of engaging the public as much as possible in the campaign. The idea of focussing on breastmilk was discussed, but thrown out. The groups realised that such a campaign might well backfire, resulting in women being frightened away from breastfeeding and undermining their children's health. The WWF advertisement above right is an example of how this campaign can be handled. (UD32 pp 10, 11)



Policy changes

Are the companies moving on 6 months?

Nestlé's UK Head of Corporate Affairs has written to Baby Milk Action claiming it has changed the labels of its complementary food labels to comply with the requirement that these are not marketed for use before 6 months of age and that the company is *'leading the way.'*

Unfortunately we have yet to see evidence that this is a universal policy.

UNICEF **Hong Kong** wrote to Nestlé on 29 May 2003: *"We were pleased to note from the headlines of your International Code Action Report that Nestlé is taking the initiative on 6-month labelling. It was therefore with some disappointment to see that Nestlé Hong Kong is still promoting complementary food from 4 months onwards... the Department of Health of the Hong Kong Government has followed the WHO recommendation of exclusive*

breastfeeding for the first 6 months of life."

In **India**, Nestlé's new labels appeared just as the new legislation was passed in May 2003. However, in Nestlé's new advertisements the label is covered up and the reference to 6 months is in small print. The new law bans adverts such as this and all promotion for foods for infants under 2 years of age, so the adverts in themselves demonstrate bad faith.

In **Lithuania**, in June 2003, Nestlé was promoting foods from 4 months in a prize lottery run through the major supermarkets.

Heinz stalls

Misleading though Nestlé's promise is, Baby Milk Action has been using it to pressure other companies to pledge to stop promoting complementary foods for use before 6 months.

We have so far only heard from Heinz, which, in a letter from Nutrition Consultant, Dr. Nigel Dickie, states: *"...we are not aware of any new recommendations for those mothers who choose to bottle feed."* No distinction has been made by the Department of Health or the World Health Assembly between breastfed and bottle-fed infants. Ignoring the nine-year debate on this issue, Heinz also complained:

"...unfortunately the Department of Health's announcement of this new recommendation was made without prior warning or consultation with all interested parties." Most companies in the UK continue to promote complementary foods for use before 6 months of age. Some Boots juices are promoted for use from a few weeks of age.



The IBFAN group in Bulgaria reports a June 2003 magazine in which Nestlé promotes Sinlac for use from 4 months of age. This says: *"Sinlac Baby Menu is a cereal for dietary uses with plant proteins, without gluten, lactose and milk proteins. For every baby over 4 months"*.

The 6 months policy globally

Since 1994 when WHA Resolution 47.5 recommended exclusive breastfeeding for *'about 6 months'* many governments have adopted this policy. But those seeking to protect baby food sales in the 4-6 month period refused to accept this and have demanded more and more evidence. The industry concentrated on the Codex Alimentarius Commission, where the global food standards used as benchmarks by the World Trade Organisation are set. Baby Milk Action and its IBFAN partners will be attending the next Codex meeting in Bonn in November where the standards will be discussed.

The global consensus achieved by the 2001 Resolution, and the Global Strategy on Infant and Young Child Nutrition a year

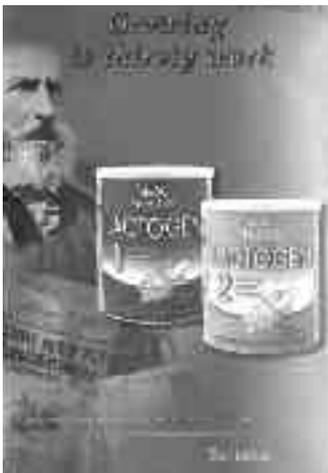
later, were both important breakthroughs, which are moving even the industrialised countries forward. The EU Commission has indicated support, along with Germany, France, the Netherlands and now the UK.

Baby Milk Action was asked by the UK Government for information about other national policies. We forwarded messages from IBFAN partners all over the world who are helping their governments implement and monitor infant feeding policies. 70 countries now have official Government policies recommending 6 months exclusive breastfeeding (expressed either as legislation, Presidential Decree, official statement, letter or as guidance to health workers). In Europe these include: Bosnia, France, Belarus, Bulgaria, Czech Republic, Georgia, Germany, Netherlands and Slovakia.



Nestlé pushes infant formula in southern Africa with outrageous claims

The leaflets on this page, found recently in Botswana, show how Nestlé idealizes artificial infant feeding and undermines breastfeeding, whilst claiming it is a 'trusted' company.

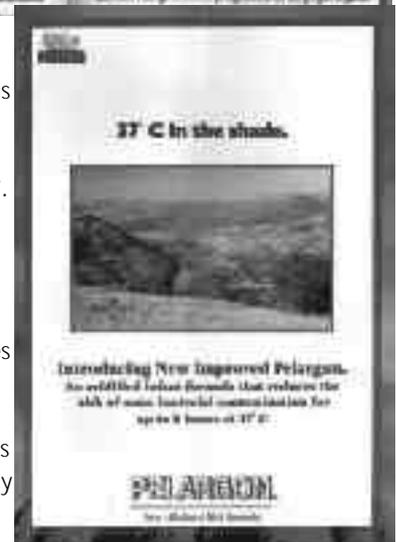


"Growing is thirsty work" is the message on the front of this leaflet, feeding the idea that infants need additional fluids. In reality, breastmilk provides all the liquid an infant needs. Note also how Nestlé is now using an enlarged and idealized image of its logo showing a bird feeding its chicks. This new logo has so far only appeared on infant feeding products.



This Pelargon promotional leaflet claims that using Pelargon "diarrhoea and its side-effects are counteracted". The scientific evidence does not support this claim and even a member of Nestlé's own Nutrition Institute disputes it (see [Update 32](#)).

Where water is unsafe, an artificially-fed infant is up to 25 times more likely to die as a result of diarrhoea than a breastfed child and to suggest formula counteracts diarrhoea is irresponsible.



This leaflet was handed out on a public bus in Gaborone, Botswana in 2003. It suggests that Nestlé abides by the WHO Code and claims the company is "the most trusted name in nutrition for 130 years". Seeking direct contact with mothers, to distribute leaflets such as this or for any other reason, is banned by the Code. This pertinent fact is not mentioned on the leaflet nor is the ban on promotion in the health care system. In itself the leaflet is promoting *Nan* infant formula.

Nestlé claims that its own 'auditors' ensure no violations take place and its Chief Executive Officer boasts that he personally investigates any hint of a violation.

BMJ study exposes marketing violations

The British Medical Journal (18th January 2003) has published a study on baby food marketing in Togo and Burkina Faso which finds widespread violations by baby food companies Nestlé, Danone and others.

The monitoring was conducted at the end of 1999 and mid 2000. For publication in the British Medical Journal the research paper was scrutinised by experts - a process known as peer-review. Nestlé, which was found distributing free samples of infant formulas *AI-110* and *Preguigoz* and producing labels without required warnings amongst other violations, dismissed the findings as old and questioned why they had not been reported to the company. Nestlé ignores the fact that companies are responsible themselves for ensuring that their activities do not violate the marketing requirements. The scientific study was examining whether they are doing so and was conducted with the agreement of the Health Ministries.



Contact Baby Milk Action to receive our Campaign for Ethical Marketing action sheet by post or email to target violations such as these by writing to the Chief Executive of the company responsible.



Research and reviews

Commercial sponsorship in schools - teachers warned of risks.

The National Union of Teachers, representing 50% of British teachers, passed a Resolution at its annual conference in April, saying it will provide advice to teachers who object to fundraising schemes linked to business. The NUT has issued a briefing about this issue which alerts teachers to work done by Sustain and to Baby Milk Action's education pack, *Seeing Through the Spin*.

WHO tackles Junk Food

Following a May 2002 mandate from the World Health Assembly, WHO is at last addressing the issue of obesity and other food related, non-communicable diseases - taking on the 3 trillion dollar food industry.

Its *Global Strategy on Diet, Physical Activity and Health*, is a population-wide, prevention-based strategy which is being developed through extensive consultation. It will be presented to the World Health Assembly in May 2004.

Baby Milk Action has been representing IBFAN at the consultations which have been taking place with WHO staff and with the former Director General, Dr Gro Harlem Brundtland. WHO is stressing the benefits of breastfeeding throughout the life cycle. We have been urging WHO to take care in its relationships

with the food industry, avoiding partnerships and ensuring transparency. We are working closely with a newly formed global network, called Alliance for People's Action on Nutrition, whose position paper can be downloaded from the responses section on WHO's Website.

www.who.int/hpr/global.strategy.shtm

EU moves on health claims

The European Commission has also issued challenges to the food and drink industry with the proposals announced by the EU Commissioner for Consumer Affairs, David Byrne on 17th July. The proposals aim to ban misleading claims and labels and need to be approved by member states and the European Parliament. Baby Milk Action and its IBFAN partners are calling for health claims directed at infants and young children to be banned. The value of the 7 claims permitted under EU regulations are questioned by a new report by the EU Commission's Scientific Committee on Food. (1)

Send comments by: **24 October 2003** calling for health claims on foods for infants and young children to be banned to: Akki Khan, Room 115B, Aviation House, 125 Kingsway, London WC2B 6NH Email: nutritionandhealthclaims@foodstandards.gsi.gov.uk (1) SCF/CS/NUT/IF/65 Final 18th May 2003

ACTION POINT

Codex Trust Fund rejects industry funds

Codex Alimentarius standards have been given great significance since the creation of the World Trade Organisation as they will be used by WTO as bench marks in the event of trade disputes. IBFAN has been working for years to ensure the standards meet the World Health Assembly's requirements.

At the Codex meeting in February IBFAN and the International Association of Consumer Food Organisations (IACFO) presented strong arguments why the Codex Trust Fund should not accept money from food and other industries. Our concerns were accepted and the Fund will initially seek money only from governments.

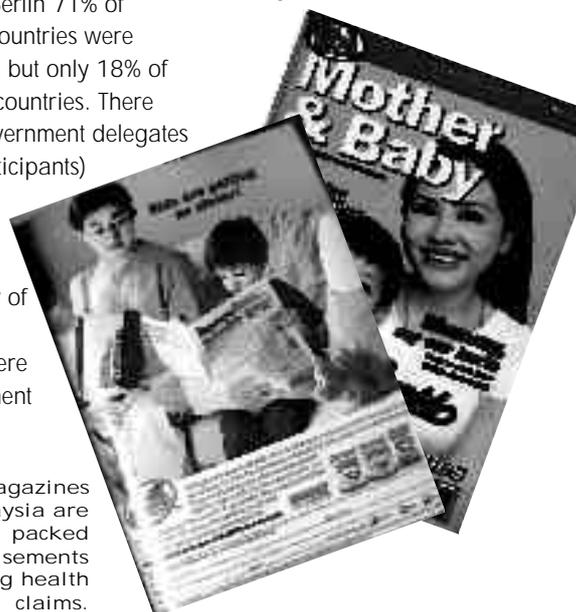
We stressed the importance of redressing the imbalance that exists in Codex. At the last meeting in Berlin 71% of developed countries were represented, but only 18% of developing countries. There were 95 government delegates (43% of participants) and 90 industry delegates. The majority of industry delegates were on Government delegations.

Parenting magazines in Malaysia are packed with advertisements making health claims.

Claims stalled by the US

The issue of health claims was discussed twice this year at Codex. IBFAN is opposed to health claims in principle, but especially on any foods for infants or young children. In June, draft guidelines which called for advertising to be addressed as well as labelling, were about to be adopted, but were held back because of objections by the United States. India, Singapore and Indonesia, all expressed their concerns about health claims saying that they were not ready to scrutinise their validity. Asia is a target for food manufacturers. The *Mother and Baby* Magazine shown below (November 2002), from Malaysia, contains 26 full colour pages promoting DHA/AA, prebiotics or other ingredients in milks and foods for infants, young children and pregnant women.

Ask Baby Milk Action for the IBFAN Briefing on Health Claims.



Update

Round-up and merchandise



in situ at Womad

Photo: Catherine Woodhouse



Theatre group, *In Situ*, performed at the Reading World of Music and Dance (WOMAD) Festival in July. A breast and a tin put forward the arguments of health campaigners and the baby food industry. The audience participated in a quiz and other parts of the action, keeping adults and children alike gripped, even when it started to rain. *In Situ* are a professional group and have worked with primary and secondary schools. Baby Milk Action's Reading and Berkshire group ran a stall in the One World tent. For further information on theatre for school children, contact Pete Arnold on 01480 460912 or see www.insituthatrea.co.uk



The 2004 IBFAN Breastfeeding Calendar is out with 12 beautiful photos of mothers and babies from around the world.

See enclosed flyer for details or go to www.babymilkaction.org for details of how to order yours

Breastfeeding in a Globalised world - the new WABA folder



This theme for World Breastfeeding Week 2003 (1-7 August) provides an opportunity to consider the obstacles as well as the benefits of globalisation as a symbol of peace and justice.

Globalisation is the term often used to describe the process of imposing harmonised rules of free trade and free financial flows throughout the whole world. Powered by large corporations and financial markets, globalisation has become a tool to maximise profits. Deregulation and the privatisation of health care systems often put profits before people. In such an environment the economic interests of corporations often take precedence over the sovereign rights of nations, and the needs of mothers and children are easily jeopardized. This folder gives ideas of how to turn this around and use aspects of globalisation to protect health and strengthen breastfeeding cultures. Useful networks: www.waba.org.my, alliance for a corporate-free UN: www.corpwatch.org, people's health movement: <http://phmovement.org>. Send for *We the people or we the corporations?* by Judith Richter (£7), or available as a free download from www.ibfan.org. The WABA Folder is also available from Baby Milk Action for a 50p.

For updates in between
Updates see:

www.babymilkaction.org

www.ibfan.org

If you would like to receive *Update* on-line let us know and we will send you email alerts when new information is posted on the website.

email: info@babymilkaction.org