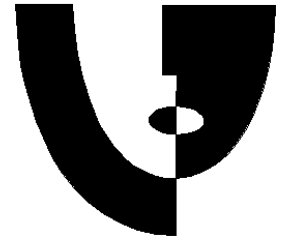


# Update 34

March 2004



## Monitoring shows UK law being broken - Trading Standards officers take action

People around the UK have been reporting violations using the on-line forms on the Baby Feeding Law Group (BFLG) website - [www.babyfeedinglawgroup.org.uk](http://www.babyfeedinglawgroup.org.uk) - which we manage.

The reports not only show rampant violations of products such as follow-on formulas, which are insufficiently regulated, but many instances of the narrow UK law itself being broken. Many monitors indicate they have reported the illegal activities to Trading Standards. It is troubling that in the majority of cases of illegal infant formula promotions in supermarkets, such as money-off promotions and shelf-talkers, these have originated from the Head Offices. Although Trading Standards has apparently received assurances that systems will be put in place



to stop the illegal promotion, reports show they continue. Perhaps a prosecution is needed? Left: 'Clearance price' formula in Sainsbury's, November 2003.

Bookstores Borders and WH Smiths have been warned by Trading Standards that US magazines containing infant formula advertisements cannot be sold. Media advertising is common-place in the

US after Nestlé refused to abide by a voluntary ban after it entered the market in 1988 and took legal action against the American Academy of



Pediatrics and other companies, who till then promoted mainly through the health care system. The advertisement above, one of those in the magazines removed from sale in the UK, is for Nestlé **Good Start** infant formula. It mentions that breastmilk is 'baby's ideal food' then undermines this by claiming of the formula: 'It's the **Good Start** that will last a lifetime'.

• 36% of 7,729 respondents to a National Childbirth Trust survey said they had seen advertisements for infant formula on TV or in parent magazines in the preceding 4 weeks, showing how the legal advertising of follow-on milks and other promotion serves to promote formula.

## WHO warns of 'intrinsic contamination of infant formula'

The long-awaited United Nations expert meeting on the bacteria *Enterobacter Sakazakii* in tins of powdered infant formula has concluded that "*intrinsic contamination of powdered infant formula with E.sakazakii and Salmonella has been a cause of infection and illness in infants including severe disease, and can lead to serious developmental sequelae (health consequences) and death*" and that "*E Sakazakii is more commonly found in the manufacturing environment, which is a potential source of post-pasteurization contamination.*"

The meeting (organised by the Food and Agriculture Organisation (FAO) and the World Health Organisation in Geneva 2-5 February 2004) agreed that caregivers should be regularly alerted to the fact that powdered infant formula is not a sterile product and that guidelines should be developed to advise on how best to limit the risk of infection.

For two years, since the tragic baby death in Belgium in March 2002 (**Update 31**), we have been pressing for this problem to be addressed by Codex (the United Nation's food standards setting body), WHO and national authorities.

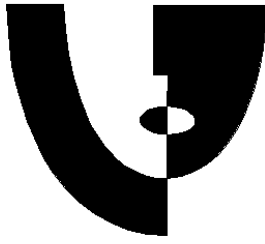
The lack of surveillance in most countries probably explains why the reported frequency of the disease appears to be very low.

However, the disease is devastating. Once infection has occurred, mortality rates are between 20%-50%, with significant long-term effects in the form of neurological deficiencies, especially among those with severe meningitis and cerebritis.

An Executive summary and Question and Answer paper is on the WHO website (amended several times in the light of IBFAN and other comments). How to alert parents and care-givers is not yet addressed. The conclusions will be forwarded to the Codex Committee on Food Hygiene which meets in Washington in March. IBFAN is calling for WHO to take a lead with a Resolution at the World Health Assembly in May to bring this emerging health problem to Member States' attention and to make adequate warnings a legal requirement.

IBFAN is calling for a new Resolution at the World Health Assembly addressing the problem of contamination, soya formulas, commercial sponsorship, health claims and is campaigning on WHO's NGO policy (see page 2). You can help by writing a letter of support to the Minister of Health in your country. In the UK it is: Melanie Johnson, Minister of Public Health, Department of Health, 79 Whitehall, London, SW1A 2NS. **Department of Health:** [www.doh.gov.uk/infantfeeding/](http://www.doh.gov.uk/infantfeeding/) **WHO/Enterobacter Sakazakii:** [www.who.int/foodsafety/micro/7meetings/feb2004/en/7](http://www.who.int/foodsafety/micro/7meetings/feb2004/en/7) **Codex papers and dates:** [www.codexalimentarius.com](http://www.codexalimentarius.com) **Baby Milk Action comments on Codex:** [www.babymilkaction.org/policy/policyindex.html](http://www.babymilkaction.org/policy/policyindex.html) - and posted on the **FAO site:** [www.fao.org/esn/proscad/archive/281103\\_47.htm](http://www.fao.org/esn/proscad/archive/281103_47.htm)

**ACTION POINT**



## UK law to change?

*"We are aware of the differences in United Kingdom legislation compared with the international code.*

*"We are exploring with the Foods Standards Agency ways in which the UK regulations could be better aligned to the international code."*

Melanie Johnson, Public Health Minister, in response to Parliamentary Questions from Paul Flynn MP (similar response to Annette Brooke MP)

The Government appears to at last be heeding the call by the United Nation's Committee on the Rights of the Child for it to implement the *International Code*, which followed a report from the Baby Feeding Law Group (BFLG). To assist the process, the BFLG has joined with the Centre for International Child Health (CICH) and UNICEF Nutrition to provide an expert briefing on the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant World Health Assembly Resolutions at the Institute of Child Health in March. Professor Anthony Costello and Gabrielle Palmer of CICH will be joined by David Clark, UNICEF Nutrition's Legal Officer, and Mike Brady and Patti Rundall of Baby Milk Action.

## Demonstrations at SMA training days

Campaigners are demonstrating outside SMA health worker training days around the country. World Health Assembly Resolution 49.15 says that Member States should, *"ensure that the financial support for professionals working in infant and young child health does not create conflicts of interest"*, which clearly occurs when a breastmilk substitute manufacturer runs days such as this. SMA was convicted of illegal infant formula advertising last year (*Update 33*).

## FSID and Cow&Gate

The Foundation for the Study of Infant Deaths promotes 'cause related marketing' to corporate sponsors by promising 'increased brand awareness' and 'the opportunity to generate positive PR'. So when it publicised the risk of overheating in infants in response to a survey supported by Cow&Gate, it offered 9,000 Cow&Gate branded thermometers to parents. Organisations including the National Childbirth Trust and Breastfeeding Network have complained about the promotion.

• For UNICEF's Baby Friendly Initiative comments on a recent Lancet study on infant deaths and advice on bed-sharing see: [www.babyfriendly.org.uk/mailling/updates/research\\_update\\_20040116.htm](http://www.babyfriendly.org.uk/mailling/updates/research_update_20040116.htm)

*Update is in compact size this issue as we adjust to operating on a smaller budget following the end of our EU funding. We aim to produce a full-size issue next time. The on-line version has links giving further information. [www.babymilkaction.org](http://www.babymilkaction.org)*

## US attacks WHO's obesity and infant feeding strategy

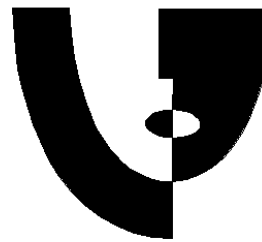
With health services worldwide waking up to the epidemic of obesity and other food related diseases, WHO's proposed *Global Strategy on Diet and Physical Activity* got off to a shaky start at WHO's Executive Board Meeting in January. The meeting was more than usually flooded with food industry and PR executives, many in the guise of non-governmental organisations (NGOs). Some even made it to the room where only delegates and officials were allowed. So it was hard - especially for government delegates - to know who was working for who.

Baby Milk Action and its partners in IBFAN (under the banner of Consumers International) were there to protect infant and young child health. One of our overarching aims was to help ensure that WHO's policy making processes are free from undue commercial influence. Strict adherence to WHO Resolutions on infant feeding and tobacco and to strengthened guidelines on managing conflicts of interest would help. Different badges and separate meetings for public interest NGOs (PINGOs) and business interest NGOs (BINGOs) would also be a step in the right direction. The US

position in contrast, was to involve industry in the implementation of WHO strategies as much as possible, stressing that the responsibility for health lies with individuals rather than industry. In our statement to the Board, we asked for the evidence to support the notion that involving companies in policy setting benefited health, and why a country with one of the highest obesity rates in the world should be allowed to export its failed approach to the rest of the world.

Although 2004 was a reporting year for infant feeding, the issue was on the agenda only as a *'matter for information.'* The United States insisted that Resolutions should not be attached to these *'matters,'* then called for the deletion of a key sentence in the Director General's report which highlighted the possible long-term health *disadvantages* of using infant formula, claiming that the evidence was conflicting. After much discussion WHO agreed to review the paragraph but, to the evident dismay of industry participants, did not agree to delete the sentence.

• IBFAN launched its report *Using International Tools to Stop Corporate Malpractice - Does it Work?* at the meeting. Lessons from the baby food campaign are relevant to the obesity and many other campaigns. See [www.ibfan.org](http://www.ibfan.org)



### WHO rejects Grocers

Two trade associations (representing US Grocers and the EU food industry) were refused official relations with WHO in January. South Africa, New Zealand, the UK and others questioned the legality of the application on the basis of the existing policy for relations with NGOs and possible links to the tobacco industry.

### Europe to move on baby food legislation?

The EU advisory body, the Scientific Committee for Food (SCF), has produced an important Report <sup>1</sup> which could influence and improve EU baby food legislation (and Codex standards). Notably, it endorses six months exclusive breastfeeding, recognises that existing formulas are not optimum and concludes that claims for formulas for treating transient health complaints (reflux etc.) cannot usually be supported.

However, there are also many omissions and unexplained conclusions. For example, the report recommends that 'probiotics' be allowed in follow-on milks even though no conclusion could be drawn regarding their safety and it leaves the door open for new claims.

Unlike the rules for the new European Food Standards Agency (EFSA), the rules governing the SCF are very weak. Limited information is given about the financial interests of SCF members, and

then only in the minutes of an SCF meeting. So the extent of industry influence is not clear. The Rapporteur of the report was Prof Koletzko, who is one of the coordinators of a project which aims to develop new *Danone* infant formulas. Another SCF member has an interest in probiotics. MEPs Glenys Kinnock and Caroline Lucas have written letters about this.

<sup>1</sup> *SCF Report on the Revision of Essential Requirements of Infant Formulae and Follow-on Formulae.*  
see: [www.babymilkaction.org/policy/policyindex.html](http://www.babymilkaction.org/policy/policyindex.html)  
[www.childhood-obesity.org](http://www.childhood-obesity.org)  
[www.childhood-obesity.org/partners/germany.php](http://www.childhood-obesity.org/partners/germany.php)

### UK advisers settle 6 months doubts

The baby food industry continues to defend its marketing of baby foods from 4 months with the claim that bottlefed babies may need solid food earlier than 6 months. Meanwhile the Subcommittee on Maternal and Child Health of the UK's Scientific Advisory Committee on Nutrition looked at the issue and concluded that **"any risk associated with delaying complementary feeding to 6 months in bottlefed infants was likely to be very low and recommended that this matter be addressed through risk management."**

[www.sacn.gov.uk/mcn.htm](http://www.sacn.gov.uk/mcn.htm)  
[www.sacn.gov.uk/minutesoct03.htm](http://www.sacn.gov.uk/minutesoct03.htm)

### Code courses in schools

Baby Milk Action member, Julie Dyball, had a spectacular success after alerting her MP, Annette

Brooke (MP for Mid Dorset and North Poole), to ask in Parliamentary Questions to Education Ministers why the four GCSE syllabuses on Child Development failed to mention the *International Code* and the benefits of breastfeeding. The Department of Education Qualifications and Curriculum Authority has agreed to make the changes at the **"earliest opportunity."**

- Junk food vending machines are being removed from many schools because of health concerns and because of the Nestlé Boycott. Hear an interview with student's who achieved this at Cardinal Newman School in Brighton on BBC Radio 4's *Learning Curve*.

[www.babymilkaction.org/ram/broadcasts.html](http://www.babymilkaction.org/ram/broadcasts.html)

- *Building on Quicksand? The Global Compact, Democratic Governance and Nestlé*, a new paper by Judith Richters is available from:

[www.ibfan.org/english/news/press/press28oct03.html](http://www.ibfan.org/english/news/press/press28oct03.html)

### Julie Crawford Award

We were delighted to award Gill Rapley, of UNICEF's UK Baby Friendly Initiative, the first Julie Crawford Award for Breastfeeding Support. The award was set up in memory of Julie, a health visitor and former Director of Baby Milk Action who died in 2001.

### Hipp - human rights violator

Members of the International Baby Food Action Network (IBFAN), at their regional meeting in Poland in November, once again reported that Hipp is marketing its products as aggressively as Nestlé in some countries in Eastern Europe and the former Soviet Union. IBFAN has asked the German authorities to take action. For more details see: [www.ibfan.org/hipp/](http://www.ibfan.org/hipp/)

### South African law under threat

Health campaigners around the world, including many Baby Milk Action supporters, have been sending messages of support to the South African Government which has drafted regulations implementing the Code and Resolutions. In a vicious media campaign attacking the law the industry has said it: **"would infringe on the manufacturers' right to freedom of speech and mothers' rights to information."**

### India's law - strange things happen!

The IBFAN groups in India have been taking legal action against Nestlé since 1994 over its labelling and advertising. Nestlé took out a Writ Petition against the Government seeking to strike down the law, then sought several adjournments of the trial through 'criminal revisions'. Finally, in May 2003, the courts rejected the company's pleas and decided to continue with the prosecution. Now, with no excuses left, and the date of trial (28 February) looming, we hear that the whole file has gone missing!

The Writ petition still stands, even though it lost its purpose when the law was strengthened - rather than weakened - in May 2003.  
[www.bpni.org](http://www.bpni.org) [www.indiangos.com/acash/](http://www.indiangos.com/acash/)



### Nestlé's Brazilian travails

IBFAN Brazil has written to President Lula calling for Nestlé to be excluded from the 'Zero Hunger' project, in which the company is distributing processed food, including powdered wholemilk, to poor families. Nestlé is gaining kudos from its involvement - except from those concerned about the company's contribution to infant suffering and the epidemic of obesity. Meanwhile Chief Executive, Peter Brabeck, speaking at the World Economic Forum at Davos, Switzerland, was put on the spot by campaigners from São Lourenço who object to the company's extraction of water from mineral springs. He said the extraction would stop. Is this because he knew that the company's attempts to obtain a retrospective licence were about to fail? More bad news for Nestlé: the Brazilian monopolies commission has blocked its purchase of the Garoto chocolate company as it would have given the company 55% of the market. To pressure the Government, Nestlé has halted its planned construction of a coffee processing plant in Espírito Santo State.

- Monitoring conducted by IBFAN Brazil has revealed that Nestlé has attempted to get round the new regulations banning promotion of baby foods for infants up to 3 years of age by, for example, attaching to magazines for new mothers, wholemilk samples labelled for use from 6 years of age!

### German TV exposes Nestlé

*"Every day, about 6.000 children are born here [the Philippines], most of them at home. A lucrative market for the companies – and almost no control. So the worldwide leader in the market, Nestlé, is sending its representatives across the country, apparently with success. The promotion works. Nurses like Darlene are the best publicity media, though after the WHO Code that is not allowed. There it is stated explicitly: No gifts or free samples to health care personnel. But the practice is different."*

Panorama, NDT Television, September 2003.

View the film at [www.babymilkaction.org](http://www.babymilkaction.org)

### Industry offensive against US health promotion

A US Government campaign for Breastfeeding Awareness Week, highlighting the risks of formula feeding, was postponed at the end of 2003 after Carden Johnston, President of the American Academy of Pediatrics, objected that it was too negative. Lawrence Gartner, who heads the pediatrician group's section on breastfeeding, disagreed with the Academy's President and wrote to members claiming the President had fired off a letter after a meeting with baby food companies. The AAP receives funding from baby food companies, including from its one-time legal opponent, Nestlé. (see page one and [www.thehill.com/business/120303\\_breastfeeding.aspx](http://www.thehill.com/business/120303_breastfeeding.aspx))

### Nestlé sponsors pregnancy show in Canada

Nestlé Infant Nutrition is sponsoring *Nestlé 9 months*, a cable TV show following five mothers-to-be during their pregnancy.

Nestlé says the deal *"has provided us the opportunity to associate Nestlé with an innovative, educational and entertaining programme... Canadian parents can only benefit from this type of programming."*

- Also in Canada, organisers of a Registered Nurses Association of Ontario conference asked Nestlé to withdraw as an exhibitor and sponsor after receiving 'expressions of concern' from nurses.

### Trade unions unimpressed by Nestlé execs

Protests from public service unions meant that Nestlé was not permitted to have a stall at the TUC Conference in Brighton in September. Unions with Nestlé workers as members, led by the Transport and General Workers Union, held a fringe meeting with Nestlé and invited Baby Milk Action to speak. This demonstrates the need for a tough stand with Nestlé: in 1997, when Nestlé did have a stall, it refused to debate with Baby Milk Action at a UNISON fringe meeting. Nestlé came in force with its Head of Corporate Affairs on the panel and, in the audience, its Senior Policy Advisor and Director of Communications, a PR consultant from Webber-Shandwick and paid advisor Lord Ahmed, who made two lengthy interventions. The performance failed to impress: in February, UNISON Women's Conference adopted a motion calling for Nestlé to be denied a stall at the TUC and for Baby Milk Action to be supported.

- A debate at Nottingham University had to go ahead without comedian and investigative reporter, Mark Thomas, as Nestlé objected to him supporting Baby Milk Action. All the same, Nestlé lost the debate and a cross-campus referendum (1,304 to 559). The Union is now publicising Nestlé malpractice.

### Funding dilemma vote

Thank you to the 21 people who replied to our question in *Boycott News 33* over whether we right to accept a generous donation from author Richard Platt, equivalent to his unwanted *Smarties Silver Book Prize* money. 86% (18) said under the circumstances it was right to accept Richard's donation.

### Nestlé demo - Croydon 15 May

Nestlé is the target of a boycott in 20 countries as monitoring by the International Baby Food Action Network (IBFAN - Baby Milk Action is the UK member) finds Nestlé is responsible for more violations of the World Health Assembly marketing requirements for baby foods than any other company.

- There will be a demonstration from 11.00-12.00 noon on 15 May at Nestlé (UK) HQ, St. George's House, Croydon.