

Campaign for ethical marketing



May 2005

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*.

Nestlé auditors find violations - but then clear Nestlé

Background: Nestlé launched a major new public relations offensive on its baby food marketing in April 2005. The initiative by Chief Executive, Peter Brabeck-Letmathé, includes a booklet called *Nestlé's Commitment to Africa* which contains a section entitled: *"Operating with integrity: infant food marketing."* Nestlé commissioned auditors *Bureau Veritas* to examine Nestlé's activities. As with a similar audit in Pakistan (discredited before a European Parliament Public Hearing in November 2000), Nestlé required the auditors to use the company's Instructions, rather than the World Health Assembly measures. Hence, *Bureau Veritas* looked at the marketing of infant formula, not all breastmilk substitutes and found nothing wrong with the company distributing materials to mothers. The auditors also missed violations which have been documented in monitoring conducted by the International Baby Food Action Network (IBFAN). Both Baby Milk Action and the International Code Documentation Centre (ICDC) have requested a meeting with *Bureau Veritas* to discuss monitoring protocols and findings, but have been told they are not allowed to comment on the work they have carried out.

Bureau Veritas notes that Nestlé managers are encouraging governments to introduce national codes. IBFAN has documented how this strategy undermines moves to introduce binding legislation on past action sheets and in its report *'Checks and balances in the global economy: Using international tools to stop corporate malpractice - does it work?'* which looked at 7 case study countries. Where there is independently monitored and enforced legislation, violations are stopped and breastfeeding rates are increasing. Where Nestlé's strategy of pursuing voluntary codes has succeeded, violations remain widespread.



Baby Milk Action has produced a briefing paper Nestlé's Public Relations Machine Exposed responding to Nestlé's new offensive. Available at www.babymilkaction.org

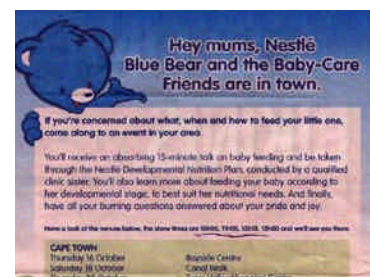
This includes a summary of ICDC's legal analysis of Nestlé Instructions showing how they differ from the International Code and Resolutions.

When a previous audit was examined by a Public Hearing at the European Parliament, UNICEF's Legal Officer commented on the differences between the official standards and Nestlé's representation of them.



Nestlé's report claims labels comply, but IBFAN Africa's monitoring exercise in 2002 found tins such as Nan Pelargon in Tanzania (above) which did not have the correct warning text, was not in an appropriate language and promoted introduction of complementary foods from too early an age.

Nestlé seeks direct contact with mothers as in the South African advertisement shown right. When this example was raised with Nestlé the company defended it. Yet now Nestlé's audit claims there is no contact with mothers, 'other than in cases of consumer complaint'.



Suggested letter to the man who thinks spending a fortune on PR offensives is better than changing company policy and practice, **Peter Brabeck-Letmathé**, Chief Executive, Nestlé S.A. Avenue Nestlé 55, Vevey 1800, Switzerland.

I would be grateful if you could send me a copy of the Nestlé *Commitment to Africa* report. Can you explain when you send it why Nestlé conducts audits using the *Nestlé Instructions* rather than the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions of the World Health Assembly? As you know, UNICEF has set out to you in writing specific examples of where company policies fall short of the requirements.

The International Baby Food Action Network (IBFAN) has provided documentary evidence of Nestlé's own materials, such as labels and advertisements, which show Nestlé does not comply with the Code and Resolutions. For example, Nestlé's *"blue bear and baby care friends"* invite meetings with mothers. Are you saying Nestlé has stopped such practices or do you continue to excuse such blatant breaches of the requirements?

If you continue to dispute IBFAN's evidence why is Nestlé refusing to attend the independent public tribunal proposed by Baby Milk Action to ascertain who is telling the truth?

UK retailers in breach of the law

Background: Baby Milk Action is coordinating a monitoring project in the UK on behalf of the Baby Feeding Law Group (BFLG - which consists of 16 health worker organisations, representing over half a million health workers). This is part of the campaign to have the UK law brought into line with the *International Code* and Resolutions. See *Update 35* for details of how to support this campaign.

Monitoring has documented widespread and systematic breaches of the *International Code* and Resolutions, due to the weakness in the UK law. For example, the law does not prohibit the advertising and promotion of follow-on milks. At the same time the amount of promotion of infant formulas, which is prohibited by the law, raises serious cause for concern. Retailers including Asda, Boots, Morrisons and Tesco have been reported repeatedly to Trading Standards officers, who often take action, but then similar promotions recur. Only Sainsbury's appears to have stopped producing promotional shelf-talkers for infant formula following the intervention of Trading Standards, though other forms of blatant violations continue.

Send a message to the retailers listed here asking them to respect the law and the Code and Resolutions.



Asda (shown left promoting *Aptamil* infant formula). Chief Executive, ASDA House, Southbank, Great Wilson Street, Leeds, LS11 5AD. Or see

www.asda.co.uk



Boots (shown right promoting

Cow & Gate infant formula). Boots Group PLC, 1 Thane Road, Nottingham, NG2 3AA. Or see www.boots-plc.com

Wm Morrison Supermarkets plc, Thornton Road, Bradford, BD8 9AX. Or see www.morrisons.co.uk

Tesco PLC, New Tesco House, Delamare Road, Cheshunt, Hertfordshire, England, EN8 9SL. Or see www.tesco.com



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.

Suggested letter:

I have seen news claiming that your company has been reported to Trading Standards repeatedly for promoting infant formula in breach of the *Infant Formula and Follow-on Formula Regulations (1995)*. As it appears any action taken by Trading Standards has been insufficient to persuade you to stop such promotions, I wish to add my voice to those calling on you to respect the law.

As you should know you are also required to abide by the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions of the World Health Assembly. Article 11.3 of the Code states: *"Independently of any other measures taken for implementation of this Code, manufacturers and distributors of products within the scope of this Code should regard themselves as responsible for monitoring their marketing practices according to the principles and aim of this Code, and for taking steps to ensure that their conduct at every level conforms to them."*

Your company violates the Code systematically with its promotions of follow-on milks. Can you explain why you feel you can disregard your responsibilities under Article 11.3?

Alternative first paragraph for **Sainsbury's Supermarkets Ltd.**, 33 Holborn, London, EC1N 2HT. Or see www.sainsburys.co.uk:

"I have seen news claiming that your company has been reported to Trading Standards for promoting infant formula in breach of the *Infant Formula and Follow-on Formula Regulations (1995)*. You have been credited by campaigners with stopping such promotion and I would be grateful for further details of the systems you have put in place". [then the comments on the *International Code* and Resolutions].

Hipp - unethical promotion

Background: Although it portrays itself as an ethical company because some of its foods are certified as organic, Hipp is one of the worst companies for undermining breastfeeding in Central and Eastern Europe. Please send a letter to human rights violator, **Klaus Hipp**, Hipp K.G., Postfach 1551, 85265 Pfaffenhofen, Germany. Suggested text:

Reports continue to be received from Central and Eastern European countries such as Armenia about Hipp violating the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions of the World Health Assembly.

For example, Hipp has been advertising complementary foods on television for use from too early an age and continues to promote teas for use from as early as one week of age. These practices endanger health. Even Nestlé, viewed as the world's least responsible company, has promised to stop promoting complementary foods for use before 6 months. Why is Hipp not taking similar action to bring its policies into line with the World Health Assembly requirements? Will it take a high-profile boycott campaign to persuade your company to change as it did with Nestlé? If so, I will support this call.

Join Baby Milk Action to receive our *Update* newsletter. 34 Trumpington Street, Cambridge, CB2 1QY. £15 waged, £7 unwaged. Tel: (01223) 464420. Fax (01223) 464417. E-mail: info@babymilkaction.org Baby Milk Action's Web Site is at <http://www.babymilkaction.org/> and includes an on-line shop.