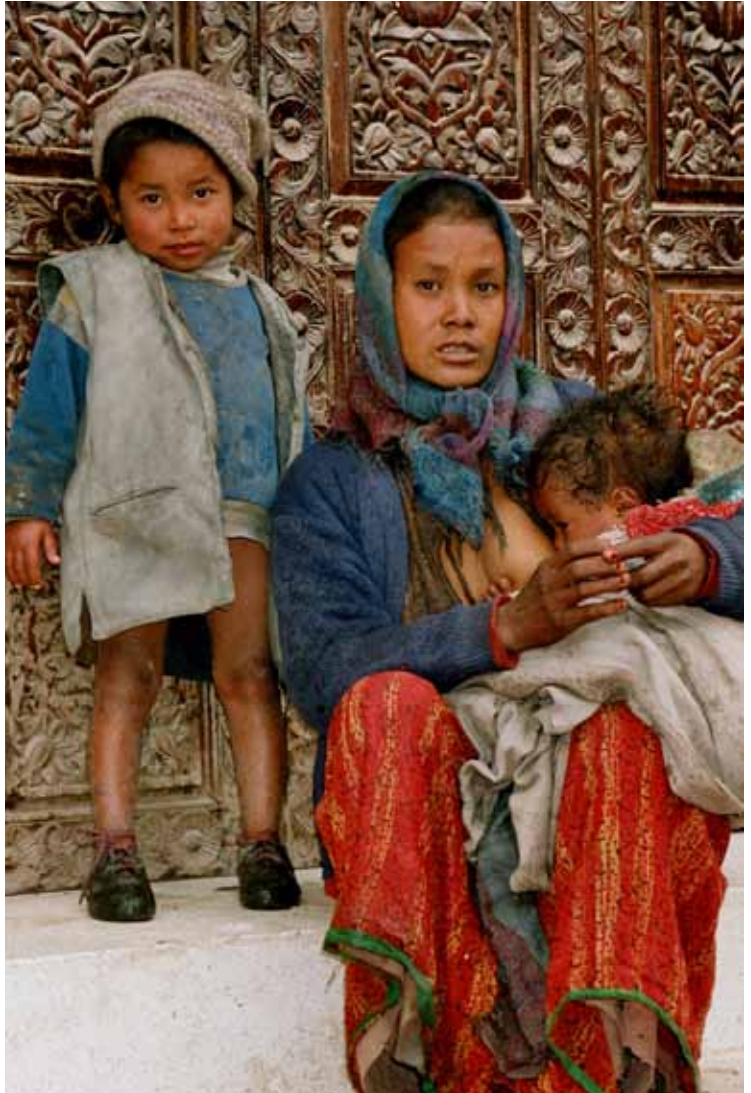


UPDATE

BABY MILK
ACTION

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Mothers and babies need you more than ever

Nestlé rejects meetings with Baby Milk Action

Follow the money - conflicts of interest exposed



Baby Milk Action

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 as part of the International Baby Food Action Network (IBFAN) to strengthen independent, transparent and effective controls on the marketing of the baby feeding industry. IBFAN has over 200 member organisations in more than 100 countries.



Baby Feeding Law Group

Baby Milk Action is the Secretariat for the Baby Feeding Law Group which is working to bring UK legislation into line with UN Resolutions. BFLG members include consumer and mother-support groups and professional bodies such as the Community Practitioners and Health Visitors' Association, the Royal College of Midwives, the Royal College of Nursing, the Royal College of Paediatrics and Child Health, and UNICEF's Baby Friendly Initiative.



International Code

We work for controls implementing the *International Code of Marketing of Breast-milk Substitutes (The International Code)*. This Code was adopted in 1981 by the World Health Assembly (WHA), the world's highest policy setting body. 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'. The *International Code* and the subsequent relevant WHA Resolutions, which have clarified or extended certain provisions of the Code, must be considered together in the interpretation and translation into national measures.

Cover: Mother and children in Nepal by Rudi Roels. Featured in the IBFAN 2012 Breastfeeding Calendar, available from the Baby Milk Action Virtual Shop.

Protecting breastfeeding

There is no food more locally produced or sustainable than breastmilk. A breastfed child is less likely to suffer from gastroenteritis, 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. Breastfeeding helps fulfill the UN Millennium Development Goals and has the potential to reduce under-5 mortality by 13%. A further 6% of deaths could be saved through appropriate complementary feeding. Breastfeeding also provides health benefits to the mother, such as reduced risk of some cancers.

Protecting babies fed on formula

Breastmilk substitutes are legitimate products for when a child is not breastfed and does not have access to expressed or donor breastmilk. Companies should comply with composition and labelling requirements and other Code requirements to reduce risks - independently of government measures. Parents have a right to accurate, independent information. **Baby Milk Action is not anti-baby milk.** Our work protects all mothers and infants from irresponsible marketing.

Contact details

34 Trumpington Street, Cambridge,
CB2 1QY, UK
Tel: (01223) 464420 Fax: (01223) 464417
info@babymilkaction.org www.babymilkaction.org

Baby Milk Action is funded by membership (£18 waged, £7 unwaged, £25 family, organisation fee dependent on turnover), donations and merchandise sales. We have received grants from CAFOD, Christian Aid, The Joffe Charitable Trust, The Network for Social Change, Oxfam, SCIAF, S E Franklin Deceased Charity.

Update 44 preview was written by Mike Brady. *Update* is free to members and affiliates. It is available electronically at:

www.babymilkaction.org



Babies need you - decision makers are failing them



Mike Brady, Campaigns and Networking Coordinator, writes: Both in the UK and overseas, campaigners are able to stop some of the strategies baby food companies use to undermine breastfeeding to boost sales of their products. For example, Tesco, the UK's biggest supermarket, withdraw its "Big Price Drop" promotion on infant formula after we presented the evidence you sent us to Tesco and Trading Standards (pg. 11). Internationally, Danone said it would withdraw the *Immunofortis* claims that we highlighted in *Update 43*. There is still much to do, however. Danone told us it has stopped 50% of the violations in the *Breaking the Rules, Stretching the Rules* report also featured last issue. What about the other 50%? (pg. 13).

Nestlé, the biggest and worst of the companies in terms of the scale and scope of its violations, said it would take action over just 3% of those in the report (pg. 12). It disputes interpretation of the international market standards - but in December 2011 it turned down Baby Milk Action's invitation that we both put our cases before a mutually-agreed panel of experts to resolve these questions. Nestlé also rejected our four-point plan for saving infant lives and ultimately ending the boycott (pg. 7). Nestlé has been emboldened by FTSE's decision to drop its standards for the FTSE4Good ethical investment Index to allow companies to be included even while violations continue (pg. 4) - the United Reformed Church ended its support for the boycott as a direct result (pg. 16).

Concerted action by civil society to hold corporations to account remains essential. Although over 60 countries have brought in legislation implementing the *International Code and Resolutions* (see left), to regulate the marketing of breastmilk substitutes, we constantly have to defend these laws and it is a struggle to encourage politicians in other countries to

face down the power of the baby food industry and also take effective action. As Euromonitor said, "*The industry is fighting a rearguard action against regulation on a country-by-country basis.*" This is where we find policy makers in Government, United Nations bodies and even development and other Non-Governmental Organisations (NGOs) are sometimes failing in their responsibilities to protect the most vulnerable. In our analysis, this is due to several factors, which we will explore in various stories in this issue of *Update*. There are cases where money not only talks, but it screams for attention and distracts policy makers.

At international meetings on Non-Communicable Diseases and health inequities, politicians were reluctant to tackle the vested interests of corporations which contribute to these problems and instead called for collaboration and partnerships. We joined forces with other organisations to form the Conflicts of Interest Coalition and distributed a joint statement that led to extra wording in several official declarations saying there should be safeguards against conflicts of interest (pg. 8).

Baby Milk Action will continue to stand firm in its defence of babies and their families and with your help their rights will not be forgotten.

Update 44 - preview

This is a preview version of Baby Milk Action's *Update 44* newsletter.

An updated version, including Patti Rundall's Policy Briefing, will be sent to all members of Baby Milk Action in March 2012 with the papers for our Annual General Meeting. This combined mailing is to reduce costs. Please sign up to Baby Milk Action's email alerts to receive news between mailouts.



FTSE4Good rules change to accept code breakers

Baby Milk Action has issued a statement recommending against investing in FTSE4Good tracker funds. This follows the decision by FTSE, the stock exchange listing company, to change the rules so that companies that violate the baby milk marketing requirements can be added to this ethical investment index.

FTSE introduced new Breastmilk Substitutes (BMS) criteria for including companies in the FTSE4Good Index in September 2010, allowing companies to be included even while violating the *International Code of Marketing of Breastmilk Substitutes*. Nestlé, excluded under the previous criteria, was added to the Index in March 2011.

FTSE Chief Executive, Mark Makepeace, wrote to the International Baby Food Action Network (IBFAN) on 17 June 2011 explaining why FTSE chose to change the standards to make it easier for companies to be included in the Index: *"In the infant food sector we were not able to engage the companies as they were all being excluded from the index."*

Yet in 2007 and 2008 Nestlé was a participant and the "lead sponsor" of a conference on Corporate Responsibility instruments organised "as a joint venture between Chatham House and FTSE Group" to "examine the latest thinking on the responsibilities of business". In addition, Save the Children stated in its 2006 report *A Generation On: Baby milk marketing still putting children's lives at risk* that five major baby food companies were "engaging in negotiations with FTSE". Save the Children cited FTSE as the source of the data.

UNICEF UK said in March 2011: *"The evidence available to us suggests that all breastmilk substitute manufacturers currently violate the International Code routinely. We are therefore following the inclusion of Nestle on the index carefully and will be looking for evidence that their marketing begins to comply with the Code."*

A UNICEF HQ spokesperson told Dairyreporter (22 April 2011): *"I can confirm that Nestle violates the code."*

FTSE arranged for an assessment of Nestlé to be conducted in two countries, but the FTSE Chief Executive said: *"we will not be asking the assessors to act as a judge with regards to specific allegations, but rather to assess whether the companies practices on the ground are in-line with their stated policies."*

Conducting the assessment against company's stated policies rather than assessing violations against the Code is a serious flaw: on the basis of its own policies, Nestlé rejects 97% of the allegations of violations in IBFAN's *Breaking the Rules, Stretching the Rules 2010* report, saying it will take action on just four. FTSE's BMS Committee had the *Breaking the Rules* report in its hands when it decided to include Nestlé.

A further flaw is that no special weighting was given to the state of implementation of the Code and subsequent Resolutions when selecting the assessment countries. Two with exemplary legislation were chosen (see box).

According to the FTSE Chief Executive the countries were selected by a commercial auditing firm "with advice from those we are collaborating with". Organisations with substantial investments

Conflicts of interest - follow the money

Nestlé sponsored a joint Chatham House/FTSE events on Corporate Responsibility.

The advisory group includes Nestlé investors keen to justify their decisions to profit from Nestlé businesses.





in Nestlé are amongst those advising FTSE. One is the Central Finance Board (CFB) of the Methodist Church, which controversially invested over £1 million in Nestlé in 2007, presenting “engagement” as a “complementary strategy” to the boycott. Subsequent CFB reports cite no action taken by Nestlé executives as a result of the investment strategy, other than agreeing to meet. The other investor is the Church of England (CofE), which resisted a call at its 1994 Synod meeting to disinvest from Nestlé and arranged for independent monitoring conducted under the auspices of the Interagency Group on Breastfeeding Monitoring (IGBM). This found “systematic violations” by Nestlé and other companies. Rather than responding by disinvesting and resuming CofE support for the Nestlé boycott, the Church Commissioners said they would use their investment to exert pressure on Nestlé. Again, there is no evidence that this strategy has prompted any changes.

If FTSE wishes to describe its process as “robust and independent”, as Mr. Makepeace did in his letter rejecting IBFAN’s concerns, Baby Milk Action suggests that it should prohibit organisations that directly profit from Nestlé malpractice from advising on the assessment rules as they have an unacceptable conflict of interest.

FTSE should also declare Nestlé sponsorship of its joint ventures with Chatham house and prohibit such links with companies having an interest in a FTSE4Good listing in future. Mr. Makepeace rejected this by saying: “*FTSE partnered with Chatham House to develop the programme, but had no commercial involvement in the event, and neither contributed any funding to Chatham House, nor received any funding from any of the sponsors involved, including Nestlé.*”

Nestlé has cited its inclusion in the FTSE4Good Index when claiming to be in “full compliance” with the Code. FTSE has “followed up with the company”, but has not provided a clear public rebuttal of Nestlé’s misuse of its inclusion.

FTSE tips off companies where audits will take place

Baby Milk Action warned FTSE of what happened when Nestlé itself commissioned an audit after whistleblower, Syed Aamir Raza, presented documentary evidence of practices, including the bribing of doctors, in Pakistan in 1999: Executives from Nestlé S.A. and Nestlé (UK) visited Pakistan in advance of the audit to “prepare the way”.

Despite this, FTSE said it would forewarn Nestlé of the countries selected for the FTSE4Good audits, stating:

“In order for the audit to be effective there needs to be some coordination with the company; if for example all the sales and marketing team were away for a global company conference the week the assessors visit, it would not be satisfactory.”

IBFAN suggested that FTSE conduct the assessments in countries without strong legislation, but FTSE instead selected two countries where violations are less likely to be found:

India: Save the Children and its partners in the UK Food Group (including Christian Aid) once gave India an award for its success in stopping violations that are commonplace elsewhere. Industry analysis Euromonitor explained why the Indian baby milk market is stagnant while that of China is growing exponentially in a report headlined: “*Indian Market Constrained by Regulatory Barriers*”

Zambia: Has the second highest ranking for implementing the marketing requirements in legislation in the assessment by the International Code Documentation Centre (ICDC). ICDC has trained Health Inspectors in Zambia on monitoring the law.

info.babymilkaction.org/nestleftse4good



The United Nations corporate responsibility scheme fails the integrity test - no action taken over “patron sponsor” Nestlé

The United Nations Global Compact is a voluntary initiative that is supposed to improve the behaviour of companies that sign up to it. However, more than two years after Baby Milk Action registered complaints about Nestlé for systematically breaking its commitments to the Global Compact Principles, the UN Global Compact Office (GCO) has still to take the action called for under so-called *Integrity Measures*.

We registered complaints with other campaigning groups in June 2009, calling for the GCO to exclude Nestlé for “egregious violations” and bringing the initiative into disrepute. The GCO stressed the scheme is voluntary and said its role is to “promote dialogue”. Having copied the GCO into our correspondence with Nestlé (which has already gone on for decades) for over two years, we asked the GCO to take other action called for in the *Integrity Measures*, which state:

“The Global Compact Office would be available to provide guidance and assistance, as necessary and appropriate, to the participating company concerned, in taking actions to remedy the situation that is the subject matter of the allegation in order to align the actions of the company with its commitments to the Global Compact principles.”

However, the GCO has told Baby Milk Action that the ONLY action it can take is “to facilitate adherence to the principles of the Global Compact through openness and enhanced communication.” In practice this means that when the GCO receives a copy of our letters to Nestlé, it sends them to Nestlé a second time. That is all. The *Integrity Measures* allow it to do much more:

“The Global Compact Office may, in its sole discretion, take one or more of the following steps, as appropriate... Refer the matter to one or more of the UN entities that are the guardians of the Global Compact principles for advice, assistance or action”.

Nestlé disputes interpretation of the baby food marketing requirements and as the GCO says it is not qualified to evaluate Nestlé’s comments (or the Nestlé reports posted on the GCO site), it could consult UN legal experts - but will not do so.

The *Integrity Measures* call for a review which can lead to the company being excluded from the initiative if dialogue does not resolve the issue:

“If, as a result of the process outlined above and based on the review of the nature of the matter submitted and the responses by the participating company, the continued listing of the participating company on the Global Compact website is considered to be detrimental to the reputation and integrity of the Global Compact, the Global Compact Office reserves the right to remove that company from the list of participants and to so indicate on the Global Compact website.”

Pressed on why it will not conduct this review, the GCO responded to Baby Milk Action: “As you well know, the Global Compact Office is

The GCO fails, so we need your help

The GCO could call on Nestlé to align its formula labelling practices with the *International Code of Marketing of Breastmilk Substitutes*. These prohibit idealising text and images. Yet Nestlé adds health and nutrition claims, including logos stating its formula “protects”.



Above, a promotional leaflet for Nestlé Nan formula distributed to health facilities in Armenia. The number 3 version is also advertised on television. This and other prohibited practices are being targeted in our *October Campaign for Ethical Marketing* action sheet. In the 1990s you helped us to stop Nestlé advertising on vans and trams. We need your help again.



not an adjudicatory body." We asked the GCO to clarify why it was not taking the actions set out in the Integrity Measures - and it responded: "we do not plan to provide a point-by-point response." We have sent our list of questions of the UN Secretary General asking for assistance (we asked the GCO to pass our letter to its Board through its usual channels, but it refused to do so).

The GCO has told us in previous correspondence that not a single company has been excluded from the Global Compact following a complaint by a civil society organisation under the Integrity Measures.

- A report from the United Nations Joint Inspection Unit sets out a series of concerns about the operation of the GCO, and recommends: "The Secretary-General, in his capacity as Chairman of the Global Compact Board, should submit to the consideration of the Board

Conflicts of interest - follow the money

Nestlé was one of three patron sponsors listed on the title page for the UN Global



Compact Leaders Summit in New York in 2010. The Global Compact Office refuses to review Nestlé's involvement, as required by "Integrity Measures".

concrete measures to reinforce accountability in the implementation of the Integrity Measures, including (a) closer scrutiny of [company reports] by local networks and civil society... (d) more proactive and transparent handling of complaints." The GCO rejected the report as flawed.

Meetings with Nestlé executives - where the Global Compact Office could help

Baby Milk Action meets with Nestlé executive at fora such as the EU Platform for Action and the company's shareholder AGM. We are in ongoing correspondence regarding violations of the baby food marketing requirements - communicating in writing ensures accuracy and a documentary record. We have proposed meeting directly with executives under a four-point plan that could ultimately lead to the end of the boycott. For this meeting to take place, we first require Nestlé to state that it accepts the validity of the *International Code* and Resolutions adopted by the World Health Assembly and that it needs to make changes to its marketing practices. It refuses to do so, instead suggesting a meeting with no clear purpose. In the past, Nestlé has misrepresented such meetings by falsely claiming that it is "working in partnership" with its critics.

Nestlé most recently rejected the four-point plan in a letter dated 15 December 2011. Executives claim that the marketing requirements have been interpreted incorrectly. To make progress, we have proposed that Nestlé and Baby Milk Action meet before a panel of independent experts to resolve disagreements over interpretation. Nestlé refuses to even set out its terms and conditions for taking part in such a meeting (which would include how it can be reported to third parties).

The GCO has ignored our request for it to encourage Nestlé to engage with these proposals. Instead it is pressuring us to meet Nestlé without first agreeing the purpose of the meeting.

- We understand that Nestlé is attempting to arrange meetings about its baby milk marketing activities with what it terms "stakeholders". We ask that anyone receiving an invitation encourage Nestlé first to contact Baby Milk Action to engage with the above proposals. If Nestlé is not prepared to do so, its intentions should be questioned.



Rio Declaration on health inequalities betrays the promise to “close the gap in a generation”

The World Health Organisation (WHO) World Conference on Social Determinants of Health issued the Rio Declaration on 21 October 2011. Baby Milk Action joined other civil society organisations at the meeting to call on government representatives to counter what WHO’s own expert Commission called *“the toxic combination of poor social policies, unfair economic arrangements and bad politics that results in the unequal distribution of health-damaging experiences”* in its report *“Closing the Gap in a Generation”*. Few of the concrete proposals from the WHO Commission made it into the official Declaration, though many were picked up in an alternative civil society declaration coordinated by the People’s Health Movement (PHM). Professor David Sanders of the University of the Western Cape and PHM received a standing ovation during the final discussion panel on the closing day of the conference after questioning why trade, climate change, the brain drain of health workers from developing countries to rich countries and other issues have been totally ignored in the official Rio Declaration.



The official Rio Declaration calls for collaboration with stakeholders, including the private sector. The Conflicts of Interests Coalition statement of concern was distributed to delegates. Text referring to safeguarding against conflicts of interest was added to the draft declaration.

(Right, Regina Da Silva, Sonia de Oliveira Brady and Mike Brady with the Rio Declaration and the Conflicts of Interest Coalition statement of concern at the event).

• For the official and civil society Rio Declarations and further information see:
<http://info.babymilkaction.org/pressrelease/pressrelease20oct11>

Professor Michael Latham dies at 82

Professor Michael Latham, a longtime friend of Baby Milk Action, IBFAN and WABA, and one of the giants in the long struggle to protect breastfeeding from commercial misinformation, died in Boston on Friday 1st April at 82.

Patti Rundall said *“Michael was a total inspiration to so many people and continued to be incredibly active and focused on the latest threats to infant health, right up to the end, co-authoring a key article about the risks of reliance on fortified foods just a few months ago. I will truly miss his guidance and his friendship. He was a wonderful, warm, wise and generous man and it was a privilege to have known him.”*

Michael directed the Program in International Nutrition at Cornell University for 25 years, first encountered the problems of nutrition in the developing world while practicing medicine as a young doctor for the British colonial service in Tanganyika (now Tanzania).

In his 1976 report, written with Ted Greiner he said: *“the media onslaught is terrific, the messages are powerful and the profits are high. High also is the resultant human suffering.”*



Julie Crawford Award goes to IFIT health visitors

The Julie Crawford Award for Breastfeeding Support for 2011 was won by 6 health visitor representatives on the Infant Feeding Information Team of Blackpool and North Lancashire (IFIT).

Left to right: Sarah Saunby (one of the Julie Crawford Award judges), Julie Carter Lindsay (Blackpool), Jo Dobson (Fylde), the late William Bingley (Chair of NHS North Lancashire), Kathleen Freear (Lancaster), Sue Anslow (Wyre) and Nicola Kemp (Wyre). Inset: Sam Whittle (Lancaster).

One of the judges, Obi Amadi, Lead Professional Officer, UNITE/CPHVA, said:



I am delighted to see how the winning health visitor representatives have been key to IFIT's success, helping create a fantastic model that I hope will be picked up by other regions throughout the UK. The team has shaped IFIT's agenda and improved communication. In just four years IFIT has markedly reduced reliance on information from baby milk companies. IFIT has also done so much to ensure that good quality generic information about formula feeding is "out there."

- The Julie Crawford Award for Breastfeeding Support is an award given by the BFLG to Health Visitors and Health Visitor Teams who have made a significant contribution to the protection of breastfeeding and who facilitate universal access to support that is free from commercial influence. The Award was set up in memory of Julie Crawford, a health visitor and a former Director of Baby Milk Action who died from a rare disease, at the age of 42 in November 2001.

Hot Milk - critical analysis of company research reveals unwarranted claims

IFIT produces a bulletin on infant feeding for health workers called *Hot Milk*. IFIT also features alongside other experts in the educational DVD, *Infant Formula Explained*, produced by Baby Milk Action on behalf of the Baby Feeding Law Group (BFLG) (page 11). The November 2011 *Hot Milk* reports:

We have repeatedly requested evidence supporting all new formula developments to be sent in advance of IFIT meetings, and it is only recently that this has started to happen...

*Most studies claim only to show that there **may** be some benefit, but basic analysis of research protocols often shows that even that claim is unwarranted on the evidence. One even admitted that a product **may** have "decreased benefit" (i.e. risk of harm) for some babies. Formula studies supplied have included babies who have been initially breastfed for varying, sometimes undisclosed, periods, yet the formula is being marketed as safe for all babies from birth, despite the importance of initial gut colonisation.*

*This explains why IFIT has not simply passed on company claims in *Hot Milk*, and so lent our credibility to company marketing efforts. One company has expressed frustration that IFIT has not done so, and stated in writing its intention to ignore the Trust policy of not visiting individual staff.*



New site makes it easier to report baby food companies



www.babyfeedinglawgroup.org.uk

site search engine

Section menu

Monitoring menu

Share on Facebook

Download BFLG leaflet

Infant Formula Explained DVD clips and ordering information

Highlighted action - ePetition campaign

Sub-section menu

Register and log in to retrieve violation reports you have submitted

Find info. on the law, marketing requirements and policy

Monitoring section: use the online forms to submit cases of aggressive baby food and feeding bottle and teat marketing. With the new site, you can attach the images to your report. Register with the site and you can save, edit and retrieve your reports. Baby Milk Action will review reports and add them to the monitoring reports section. The report shown is for Tesco's Price Drop on infant formula, reported to Tesco and Trading Standards - Tesco promised to pull the promotion (see page 11)



Monitoring project stops illegal Tesco promotion

Baby Milk Action began to receive reports of a Tesco "Big Price Drop" promotion on infant formula at the end of September and posted a report on the new BFLG website (see left). We also contacted Tesco and Trading Standards.

Tesco contacted us a few days later (3 October):

"The Baby Milk lines were accidentally included in a list of price drop lines. This was identified on Saturday by the business ahead of the campaign launching on Monday.... There is currently no red or yellow price reduction point of sale or any "Big Price Drop" point of sale either on line or in store and we are confident all the due diligence measures have been issued to stores to prevent this."

All well and good - except further reports of the "Big Price Drop" point-of-sale promotional materials continued to come in until 20 October.

Despite this Trading Standards seem to be satisfied with Tesco simply apologising for what is criminal activity: a violation of the *Infant Formula and Follow-on Formula Regulations*.

This is not the first time Tesco has apologised for breaking the law. In 2009 it illegally advertised SMA infant formula on its website with club card points and in its catalogue, where it promoted the formula as having "the healthiest nutrients". Again, it claimed this to be an inadvertent mistake. In 2005 it admitted that in-store promotional staff refer to infant formula, again prohibited by law.

If Trading Standards took retailers to court for breaking the law - particularly for repeat offenses - and courts levied the applicable fines of thousands of pounds per incident then perhaps they would learn to stop making "mistakes" and save the rest of us time and money reporting them.

Infant Formula Explained films provide independent information

Baby Milk Action produced the DVD *Infant Formula Explained* with Markt TV on behalf of the Baby Feeding Law Group. The main 25-minute programme features experts explaining about formula to give health workers the information and the confidence they need to answer questions from parents and carers.

A shorter 7-minute programme is for use with parents and carers who have decided to formula feed (and health workers with less time available). There is also a 10-minute film on how to make up powdered formula in line with World Health Organisation guidance to reduce the risks from possible contamination with harmful bacteria (you can watch an extract online).



The DVD is suitable for use in UNICEF Baby Friendly Initiative accredited hospitals and is purchased with a public-performance licence allowing it to be used with groups of health workers and for health workers to use with parents and carers who have decided to use formula.

The DVD has already been purchased for use by individuals, hospitals, PCTs and universities. Although some of the information is UK specific, it has also been purchased for use in other parts of the world, including North America, Australia and Hong Kong.



Nestlé executives refuse to stop violations...

Nestlé has issued an analysis of its violations highlighted in the *Breaking the Rules, Stretching the Rules 2010 (BTR)* report. It dismisses all but four of the violations. A selection of Nestlé's arguments are examined here.

- Executives continue to defend promoting their formula with health claims, such as that it 'protects'. Logos with such claims have been added to labels in 120 countries it has said. Nestlé does not respond to the fact that Article 9 prohibits idealising text and logos.
- Nestlé claims that promotional materials were intended for health workers only and are "scientific and factual", whereas the evidence shows they use idealising and often unsubstantiated claims, and sometimes have been found distributed to pregnant women and parents.
- Nestlé claims that many products are not covered by the scope of the code, limiting its application to infant formula only. Although breastfeeding is recommended into the second year of life and beyond, Nestlé dismisses reports of violations relating to products promoted for use after 6 months. Products are often similarly branded so promotion of milks for older babies serves to promote the whole range.
- Nestlé does not follow the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions in a country as it has designated it as "low-risk" (although the Code and Resolutions apply equally to all countries).
- BTR exposes that Nestlé rents shelf space in Vietnam and issues instructions on how its infant formula should be displayed. A prominent display of 124 tins of formula at eye level gains the shopkeeper the greatest reward. Nestlé says it is simply paying for the shelf to be set up in "a logical and clean manner." Violation report dismissed.



...unless you support our campaigns

Above - a selection of pages from *Breaking the Rules*. Nestlé dismisses these violations - except for its leaflet claiming its formula is "The new 'Gold Standard' in infant nutrition". Thousands of boycott supporters targeted this violation in our "email Nestlé" campaign from June 2010.

Nestlé says: "This concern has already been raised with Nestlé by Baby Milk Action and a response was provided." Nestlé claims "Gold Standard" was "meant to refer to the gold colour of the labels of the product" and that the leaflet was "discontinued in November 2010".

Our email campaign has been updated - please keep sending messages!



New Nestlé director admits violations that company denies

There was controversy as UNICEF's former Executive Director stood for a place on the Nestlé Board of Directors at its shareholder meeting in Vevey, Switzerland, on 14 April 2011.

In a Reuters report the previous day a UNICEF spokeswoman said: "Ms. Veneman left UNICEF nearly a year ago and is now a private individual. UNICEF would not presume to comment on any personal choices. I can confirm that UNICEF does not take funding from Nestlé. I can also confirm that Nestlé violates the code."

Ms Veneman was duly voted onto the Board by 98.7% of the Shareholders who were present and later pledged in a statement to the Associated Press "to take up a fight from within to change Nestlé's marketing of breast milk substitutes". She reportedly "acknowledged Nestlé isn't fully complying with a voluntary breast milk code adopted by World Health Organization but

would work from within to change the world's biggest food and beverage company."

Nestlé's Janet Voûte tried to stop Baby Milk Action's Patti Rundall from speaking to Ms Veneman at the AGM and dismissed allegations of wrong-doing by citing Nestlé's inclusion in the FTSE4Good listing, though a listing does not require Code compliance (page 4).

WHO contradicts Nestlé claim

Nestlé defended its "protect" logos (left) claiming "A number of important international organisations and experts recommend that DHA and ARA be added to infant formula." Nestlé cited WHO. Yet WHO told Members of European Parliament in April: "WHO does not have a recommendation about the addition of docosahexaenoic acid (DHA) to formula milk"

Danone executives claim to have acted on violations

The *Breaking the Rules, Stretching the Rules 2010* report shows that Danone is rivaling Nestlé as a source of violations since taking over the NUMICO companies (Nutricia, Milupa and Cow & Gate). According to Euromonitor, Danone now controls about 15% of the global baby food market, with Nestlé twice as big on 29%. Danone is particularly aggressive in Asia in trying to compete with Nestlé's marketing strategies.



While Nestlé said it will stop just 4 of the violations in its profile in the *Breaking the Rules* report (or 3%), Danone said that measures it has already put in place as part of its "root-and-branch review" of the NUMICO companies will stop 50% of the violations in its profile.



It also committed to removing its Immunofortis claim from labels around the world by the end of 2012 - this follows the European Food Safety Authority's refusal to authorise its use within the European Union.



While this is a welcome contrast to the refusal of Nestlé executives to act, IBFAN has written to Danone executives asking for further information on the 50% of violations they claim stopped - and when they will stop the remaining 50%. For the time being no consumer action is being launched against Danone, but the situation may change. A four-point plan similar to that put to Nestlé executives for ending the boycott has been put to Danone executives.



International Nestlé-Free Week becomes Halloween event

International Nestlé-Free Week is a time for people who boycott Nestlé over the way it pushes baby milk to do more to promote the boycott, and for those who don't boycott to give it a go - and tell Nestlé. The main target of the boycott is Nescafé coffee. If you only boycott Nescafé, try giving all Nestlé products a miss for this week. If you don't boycott because you don't want to miss out on a Nestlé brand, try it for this week.

The week, which began as a campaign strategy in 2007 and has now become established to encompass 31 October - marked as Halloween in some countries, when children knock on doors asking for sweets (or candies). This is a great time to raise awareness of the boycott, by, for example, putting a Nestlé-Free Zone poster in your window and giving out sweets in bags with Nestlé-Free Zone logos and our product list cards, which have a brief explanation of the boycott.

Thousands of people were invited to the virtual event on Facebook by their friends, perhaps hearing in this way of the boycott for the first time. A selection of comments from Facebook are given below.



Nestlé, Good Grief! - The Musical

The annual demonstration at Nestlé (UK) HQ in Croydon had a musical theme. You will find a video clip on the website including a partial rendition of one of Alison Blenkinsop's songs from the book *Fit to Bust!*. Also, the *Nestlé, Good Grief!* jingle. Nestlé's slogan is "Good Food, Good Life". Boycotters look at how executives run the company and say "Nestlé, Good Grief!".

Feel free to record your own mime to the jingle - or your own jingle - and we'll add it to the site.

Dates for next year

19 May 2012 (Saturday): Annual demonstration at Nestlé (UK) HQ, Croydon or Crawley (Nestlé is in the process of relocating)

29 October - 4 November 2012: International Nestlé-Free Week

If you forgot the event this year, sign up to Baby Milk Action's email alert list via our website.



URC ends support for the boycott - over a technicality

The United Reformed Church (URC) has been a long-time supporter of the Nestlé boycott and for many years provided a small annual grant to Baby Milk Action. We were surprised and disappointed, therefore, to learn earlier this year from the URC Secretary for Church and Society that the Mission Committee was instructing the Mission Council end URC support for the Nestlé boycott under the terms of a motion adopted by the Church Assembly in 2010.

The Assembly renewed support for the boycott until such time as Nestlé is admitted to the FTSE4Good ethical investment index. The motion was adopted as an alternative to a move by URC Church and Society to call off the boycott and invest in Nestlé, a position taken after a meeting with Nestlé Vice President, Niels Christiansen.

Nestlé was admitted to FTSE4Good in March 2011, not because it stopped violating the baby

food marketing requirements, but because the FTSE4Good criteria were changed in September 2010 to allow companies to be included even while systematic violations are continuing. URC representatives have been advising FTSE on these changes - alongside other church groups that already have substantial investments in Nestlé (page 4).

Baby Milk Action asked if the URC Assembly could have the opportunity to revisit the issue given that Nestlé would not have been included in the Index under the criteria in force at the time of its 2010 decision.

We were told it is impossible to take the matter back to the Assembly and the motion is binding, even though superseded by events. The instruction to end the boycott was given to the Mission Council meeting in November 2011. Full details in the press release on our website.

Development agencies in Laos snub Nestlé prize

Save the Children Australia, Oxfam and 13 other Aid agencies working in Laos wrote to Nestlé's Chairman, Peter Brabeck-Letmathe, and Chief Executive, Paul Bulcke, on 30 May 2011 stating that they will not be applying for Nestlé's half million dollar Creating Shared Value Prize:

We won't be applying for the prize, because Nestlé continues to make millions of dollars of profit, at the expense of infants and children in Asia, through violations of the International Code of Marketing of Breast-milk Substitutes.

Unethical marketing by food companies, including Nestlé, contributes to the situation of high infant and child mortality in Laos.

Babies and children are dying in Laos because food companies such as Nestlé are weakening national regulatory frameworks and aggressively flooding the market with

information that dilutes public health campaigns that promote breastfeeding.

The letter, which can be found in full on the Baby Milk Action website, cites specific examples of Nestlé malpractice. They say, for example, that company representatives visit hospitals to give health workers gifts and fund trips, and that breastmilk substitutes are promoted in public and at pre-school and health facilities.

Advertising is promoting unscientific and unsubstantiated claims that formula increases intelligence and enhances immunity. This creates a situation where family income is being spent unnecessarily on formula for infants and young children, keeping households poor.

- IBFAN's suggestion that FTSE evaluate Nestlé activities in Laos, rather than in countries with strong legislation, was rejected (pg 5).



Nestlé BabyNes system breaks Code and endangers health

Baby Milk Action and IBFAN are publicly repeating their call for Nestlé to modify its new BabyNes 'nutrition system' to follow the joint *FAO/WHO Guidelines for the safe preparation, storage and handling of powdered infant formula (WHO PIF Guidelines)*.

The machine prepares an instant bottle of infant formula using a capsule containing powder, which is not sterile and may contain harmful bacteria. The *WHO PIF Guidelines* include a step to kill such bacteria. Nestlé also claims to add bacteria to the formula, using this as the basis for unproven health claims in its marketing. The machine received worldwide publicity from a launch to the media in Switzerland, which violated marketing requirements.

Nestlé executives refuse to introduce the step that kills bacteria or to warn on labels that powdered formula is not sterile. Laboratory analysis of capsules of baby milk for BabyNes machines detected the presence of bacteria, proving that the milk powder in the capsules is not sterile, as shown in the photo.

Nestlé, the London Marathon, the Olympics and water

After raising concerns about Nestlé sponsorship of the London Marathon with its *Pure Life* brand of bottled water, Baby Milk Action has learned that the contract still has a number of years left to run.

We have been told there is little point meeting with the organisers until they are considering new suppliers. The London Marathon sponsorship policy is confidential. The Charity Commission calls for transparency and care over sponsors and so we raised concerns with it as 100% of the London Marathon surplus is handed to The London Marathon Charitable Trust. However, as The London Marathon Ltd runs the marathon and is a company not a charity (albeit one wholly owned by the London Marathon Charitable Trust), charity law does not apply.

In the UK companies are required to add warnings to labels after many years campaigning by Baby Milk Action and its partners. For example, Danone's Cow & Gate and Milupa brands state: "because powdered milks are not sterile failure to follow instructions may make your baby ill" while Wyeth's SMA brand states: "While this product is made up under strict hygienic conditions, it is not sterile. Failure to follow instructions on preparation and storage may make your baby ill."



Recent worldwide studies have detected pathogenic bacteria such as *Enterobacter sakazakii*, *Salmonella* species and *E. coli* in samples of PIF. Previous tests reported by the US Food and Drug Administration revealed that 14% of packages contained bacteria that are potentially harmful such as *E. sakazakii*.

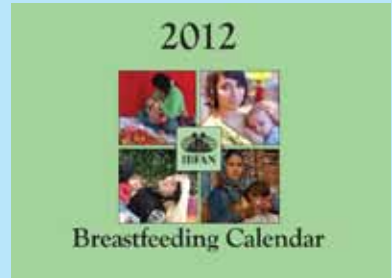
- Nestlé is sponsoring Team Nestlé, four UK athletes in training for the Olympics.
- Nestlé Chairman, Peter Brabeck-Letmathé, is spearheading the Water Resources Group, a joint venture with the World Bank. According to Corporate Accountability International: "In order to be eligible for support from this new fund, all projects must "provide for at least one partner from the private sector," not simply as a charitable funder, but "as part of its operations." The US-based group commented: "Global water corporations must not be allowed to tap into public 'development funds' to promote their private agenda because case after case shows that profitability and fulfillment of human rights in the water sector are at odds."



IBFAN Breastfeeding Calendar 2012

12 A4 full-colour photographs from around the world.
£ 7.00 each including UK postage and packing.
Order 10 or more for £ 6.00 each.

View the pictures in our online Virtual Shop
www.babymilkaction.org/shop



Infant Formula Explained DVD

In the main 25-minute programme, the experts explain about formula to give health workers the information and the confidence they need to answer questions from parents and carers.

A shorter 7-minute programme is for use with parents and carers who have decided to formula feed (and health workers with less time available).

There is also a 10-minute film on how to make up powdered formula in line with World Health Organisation guidance to reduce the risks from possible contamination with harmful bacteria.



Complementary Feeding: Nutrition, Culture and Politics is the new book from Gabrielle Palmer, author of *The Politics of Breastfeeding* (and one of the experts appearing in the *Infant Formula Explained* DVD). This brief, compassionate and thought-provoking new book will be of interest to anyone who is curious about the world, its children and their nutrition, and will stimulate discussion and debate as part of the campaign to create a world where health for all is a true goal.



Show your support by adding a button to your site or blog, or by distributing our leaflets, available from the office.



Many thanks to Sally Etheridge (pictured here with her daughter) for taking part in a sponsored bike ride and raising £200 for Baby Milk Action's work.

- Contact us if you have a fundraising idea. We can help publicise it and provide materials for explaining the campaign.

Diary dates: 2012

19 May: Demonstration at Nestlé (UK) HQ in Croydon (or Crawley if its move has completed) and other sites 11:00 to 12:00.

29 October - 2 November: International Nestlé-Free Week

Membership Offer

Become a member of Baby Milk Action with monthly or annual payments by credit/ debit card or PayPal and receive a free gift.

- Members can now register to start our online course on monitoring the baby food industry