



**IBFAN**  
defending breastfeeding

## PRESS RELEASE

**Trade vs Health - WHO opens the door to big business while trying to protect babies.**

69<sup>th</sup> World Health Assembly, Geneva, 28th May, 2016

This week's World Health Assembly included two closely linked hot topics: how WHO should interact with businesses and venture philanthropies and whether trade should come before health when tackling the marketing of baby foods and formulas.

During a full week of behind-closed-doors negotiations on both topics, the United States and rich producer countries in the EU and New Zealand, pushed the interests of their corporations: opposing the adoption of effective safeguards to protect WHO's independence, integrity and credibility and attempting to sabotage the adoption of a new WHO Guidance on baby foods. The bullying power of these nations and their disregard of public health was evident in the two Resolutions that were finally adopted today.

**Baby Foods and Formulas:** The Resolution on infant and young child feeding<sup>1</sup> tackled the marketing of baby foods and a new generation of processed, expensive, sweetened and flavored milks - that are fuelling the obesity epidemic and causing great concern.<sup>2</sup> These products account for 50% of absolute growth in a market that is set to rise by 55% from US\$45 billion to US\$70 billion by 2019.<sup>3</sup> Since bad diet is now acknowledged to be the biggest cause of death and disability, WHO is more than ever keen to help its Member States address this problem. The new Guidance clearly calls for milks marketed for babies 6-36months to be treated as breastmilk substitutes and not promoted.<sup>4</sup> Twenty years after the adoption of the first WHA Resolution on Conflicts of Interest (WHA49.15) the Guidance contains specific recommendations on addressing conflicts of interest.<sup>5</sup>

India led the near successful call from the majority of countries - that trade concerns must not take precedence over public health and child rights and that the WHO Guidance and its norms must not only have 'weight' in trade terms but that Member States can take additional action to end inappropriate promotion.<sup>6</sup> Falling short of the *endorsement* of the Guidance that the majority of countries wanted, the final Resolution '*welcomes [it] with appreciation*' and urges Member States to take all necessary measures to implement it. The new milks are the subject of ongoing discussions at Codex, the FAO/WHO global standard setting body, whose weak Conflict of Interest rules allows meetings to be dominated by industry (often 40% of the delegates). In 2006 the US and EU successfully opposed a call from Thailand to reduce levels of sugar in baby foods. The Resolution states that "*reviews of Codex standards and guidelines should give full consideration to WHO guidelines and recommendations,*

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<sup>1</sup> *Maternal, infant and young child nutrition, Ending inappropriate promotion of foods for infants and young children, Guidance on ending the inappropriate promotion of foods for infants and young children. (A69/7 Add1)*

<sup>2</sup> *Statement on sugars in fortified milks marketed for children over 1 year. First Steps Nutrition Trust.*

<sup>3</sup> *WHO/UNICEF/IBFAN Marketing of Breastmilk Substitutes: National Implementation of the International Code Status Report 2016.*

<sup>4</sup> Cynically the products share the branding with formulas for newborns and are packaged to look just like them. This 'brand stretching' is a well-known tactic used by tobacco companies to get round legislation.

*ICDC Focus 2016 Growing-up milks: aggressive promotion* [www.babymilkaction.org/wp-content/uploads/2016/05/GUMs-final.pdf](http://www.babymilkaction.org/wp-content/uploads/2016/05/GUMs-final.pdf)

<sup>5</sup> *Addressing and managing conflicts of interest in the planning and delivery of nutrition programmes at country level.*

[http://www.who.int/nutrition/events/2015\\_conflictsofinterest\\_nut\\_programmes/en/](http://www.who.int/nutrition/events/2015_conflictsofinterest_nut_programmes/en/)

<sup>6</sup> The US tactic was to downplay the role of WHO and promote the status of the WHO/FAO Codex Alimentarius Commission, the global standard setting body.

*including the International Code of Marketing of breastmilk substitutes and relevant WHA resolutions.”*

Dr Oleg Chestnov, WHO's Assistant Director-General for Noncommunicable Diseases and Mental Health, responded, promising to provide tools to help Member States work on the Guidance and Conflicts of Interest.<sup>7</sup> He also promised to start work on the inappropriate promotion of vitamin and mineral supplements, as requested by India. Products that were left out of the Guidance.

After the adoption of the Resolution IBFAN's Patti Rundall said: *“Thankfully, the many countries struggling to bring in and maintain effective legislation were able to block the worst amendments being pushed by the USA. Time will tell whether the final wording will be enough to ensure that WHO's call on this issue is heard when it matters. IBFAN has attended Codex for the last 20 years and is continually shocked by the extent of corporate influence on its governance, conflicts of interest and scientific standards. WHO and FAO are parent bodies of Codex and their strong advocacy is much needed to bring the standards into line with WHO policy. Children's lives and health depend on it.”*

**WHO and Private Sector** More worryingly still a Resolution on the *Framework of Engagement with Non-State Actors* (FENSA) was adopted. FENSA replaces WHO's existing rules that confined its formal *Official Relations* status to NGOs that are not *“primarily of a commercial or profit-making nature.”*<sup>8</sup>

During the long drawn out negotiations, it was developing countries, led by India, Egypt and others that managed to strengthen some of FENSA's wording. However, one key concern of IBFAN and over 60 NGOs (expressed in many public statements) remains in the final FENSA – Business Associations can apply for the privilege of *“Official Relations”* and have a two-year work plan. Although businesses associations have gained such status before - as NGOs - FENSA for the first time legitimizes their lobbying at WHO governing bodies under the label of Non State Actors. This is a disaster waiting to happen. By normalising their inclusion into public health decision-making FENSA sets a dangerous model and contradicts its stated principles to *“not compromise WHO's integrity, independence, credibility and reputation.”*<sup>9</sup>

**Speaking for IBFAN, Lida Lhotska called for an end to double standards.** The Member States who have resisted the development of strict conflict of interest rules for WHO often have relatively strict conflict of interest policies in their own jurisdictions. *OECD Guidance on public sector integrity* is clearly designed to prevent industry from unduly influencing regulators and elected officials. The UK *National Institute for Health and Care Excellence* (NICE) prohibits involvement of any experts from the private sector, and Canada's Federal Government prohibits financial contributions by corporations to political parties and limits the amount of contributions by individuals.

**WHO funding.** NGOs have highlighted the impossibility of achieving FENSA's contradictory objectives: both as an instrument to attract funding for WHO and, at the same time, as a safeguard to protect its mandate. They called on Member States to find other financial solutions that would allow WHO to fulfil its constitutional mandate: lift the freeze on assessed contributions and increase their levels of funding, so ending WHO's dependency on voluntary, often earmarked and volatile contributions.

For more information contact: Patti Rundall: [prundall@babymilkaction.org](mailto:prundall@babymilkaction.org) +447786 523493  
Lida Lhotska: [Lida.lhotska@gifa.org](mailto:Lida.lhotska@gifa.org) Constance Ching: [code@ibfan-icdc.org](mailto:code@ibfan-icdc.org)

<sup>7</sup> [http://www.who.int/nutrition/events/2015\\_conflictsofinterest\\_nut\\_programmes/en/](http://www.who.int/nutrition/events/2015_conflictsofinterest_nut_programmes/en/)

<sup>8</sup> WHO Basic Documents, 48th Edition. 2.1 *“WHO recognizes only one category of formal relations, known as official relations, with those NGOs which meet the criteria described in these Principles. All other contacts, including working relations, are considered to be of an informal character....3.1 [NGOs] shall be free from concerns which are primarily of a commercial or profit-making nature.”*

<sup>9</sup> IBFAN also made an intervention highlighting concerns about the NCD Global Coordinating Mechanism that, Instead of following WHO's existing rules on conflicts of interest, has set harmful precedents that threaten WHO's credibility, integrity and effectiveness. Access to the GCM is denied to some critical NGOs but open to just about any business (other than tobacco) but including members of the World Economic Forum, for example as key speaker on the next GCM webinar on Public Private Partnerships.