

Boots

Evidence of violations of the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions

Notable promotions

*New, New, New.
Baby Event.
2 for £15.*

SUMMARY OF CONCERNS



Examples with this stamp appear to break the law, so enforcement authorities may be able to issue an *Improvement Notice* or prosecute. They are summarised below.

Boots promotes infant formula in-store with special displays. These have been found repeatedly around the country even after it has said it will stop such practices.

It promotes infant formula brand names through advertising, online promotions and window displays for other infant milks with similar labelling.

Breaks the Code . Strengthen the Law .

Examples in the *Breaks the Code - Strengthen the Law* box are not permitted under the *International Code* and Resolutions adopted by the World Health Assembly. These measures cover more products than the UK law.

Companies should follow these standards independently of national measures, but the specific provisions need to be included in UK law to make them legally binding.

Boots promotions of follow-on formula and feeding bottles and teats are not permitted by the Code.

Baby Milk Action has sent this profile to the company and will update it if action is taken.

Company details for enforcement officers:

Alex Gourlay
Chief Executive Officer
Nottingham
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COMPANY HISTORY

Boots UK Limited is a high street and online retailer. It is owned by the US holding company Walgreens Boots Alliance PLC, formed by a merger in 2014. The company describes itself as “the first global pharmacy-led, health and wellbeing enterprise”.

It states: “Our purpose is to help people across the world lead healthier and happier lives.”

Present in 25 countries, its UK operation had annual turnover of over £6 billion (year to March 2015 – the latest figures available as accounting years are brought into line).

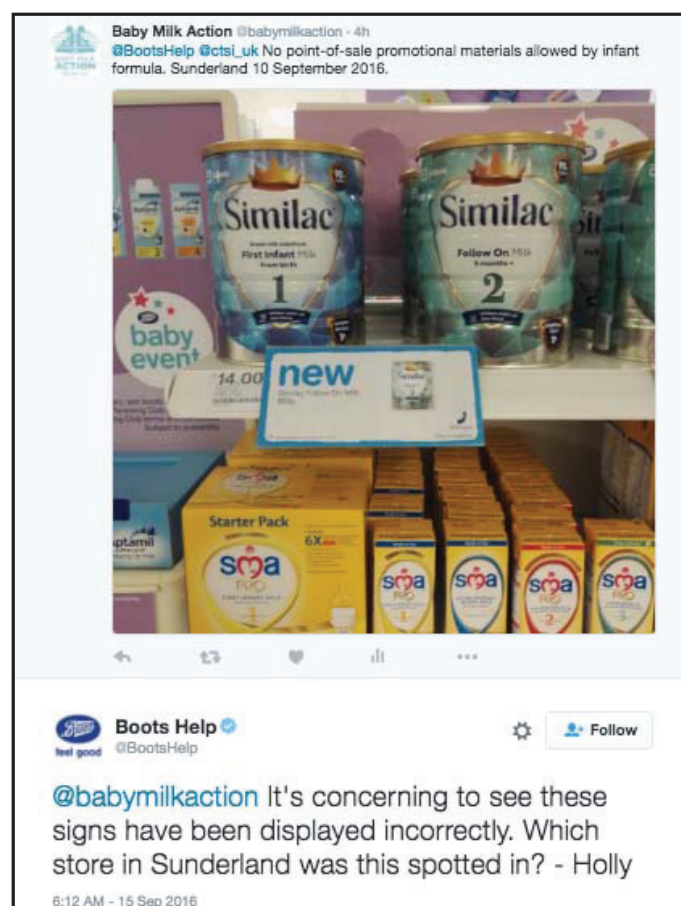
IN-STORE PROMOTION OF INFANT FORMULA

Boots specialises in promoting new products ranges from leading formula manufacturers with prominent in-store displays and money-off deals.

This included an exclusive arrangement with Abbott to stock its Similac formula range. Products are often on end-of-aisle displays or other special stands, with prominent “NEW” signs.

Where products are shown on promotional materials, these are follow-on formula, which is permitted under the law (though not the Code).

Boots has acknowledged that under UK law it should not include infant formula in promotional displays.



However, infant formula is repeatedly reported in such displays. No *Improvement Notices* have been issued or prosecutions brought.

The labels with a “1” in the examples shown right are infant formula. When they were reported to Trading Standards by Baby Milk Action, Boots responded that the infant formula had been included due to failures by the local manager or customers moving the infant formula.

Sunderland, September 2016



Wokingham, January 2016



Stamford, February 2016



St. James Park, March 2016



Boots Mild, March 2016



Cardiff, August 2016



ARE SPECIAL DISPLAYS AGAINST THE LAW?

As well as promoting infant formula and other milks with prominent signs, Boots often has them on special free-standing displays, end-of-aisle displays or even piled up at the checkout, as shown in the examples below.

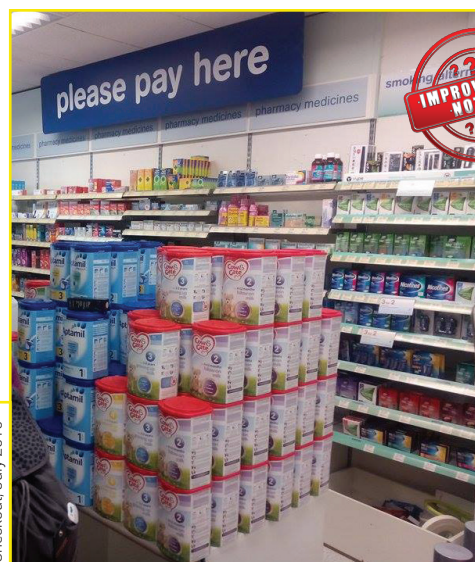
Canterbury, October 2016



Liverpool, March 2016



Checkout, July 2016



Regulation 23 of the Law states: "(1) No person shall at any place where any infant formula is sold by retail... (b) make any special display of an infant formula designed to promote sales;"

The Dictionary of Marketing Communications defines "end-of-aisle display" as: "a point-of-purchase display located at the end of a shopping aisle; considered a prime location, commanding the highest fees. Often used for high-margin, impulse items."

Research has shown that: "End-of-aisle" display "boosts sales" (reported at: money.aol.co.uk/2014/03/14/end-of-aisle-display-boosts-sales/)

Shelf-talkers for a price promotion appeared in-store alongside infant formula in parallel with an online promotion of the offer on the Boots website.



Norwich, August 2016



Liverpool, March 2016



Kenilworth, October 2016

The promotion is specifically for Nestlé's SMA Pro "toddler" milk. According to the *Guidance Notes* to the Regulations permitted promotional materials should not be placed alongside infant formula.

The *Guidance Notes* also recommend that infant formula is kept in a separate part of the store from other infant milks, such as follow-on formulas.

The identical branding of products to make them cross-promotional appears to confuse Boots managers.

Boots told Baby Milk Action the Norwich example above was a mistake, proving management know this is prohibited, but their systems are failing. Boots appears to be relying on groups such as Baby Milk Action to report what is happening in its stores rather than taking the recommended action.

Boots shelf talker, September 2015



Another failure in Boots systems is that infant formula is regularly reported in clearance displays with price reduction stickers. Members of the public have sometimes been distressed at the way they have been treated by Boots managers who are ignorant of the law when they have pointed out this is against company policy.



Aberdeen, August 2016



Giving force to the Code's prohibition on promoting milks for older babies would make it easier for Boots to comply. The company appears to be pushing for the opposite. It will sometimes display signs with infant formula saying it is "sorry" it cannot include it in promotions.



In its online store Boots says "unfortunately" customers cannot use reward points to buy formula.

. Breaks the Code .

. Strengthen the Law .

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ADVERTISING AND PROMOTION OF MILKS FOR OLDER BABIES

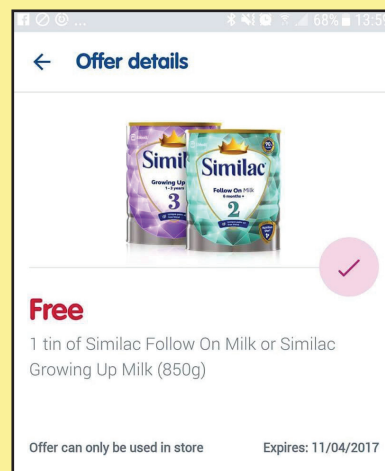


The US company Abbott launched its Similac formula on the UK market in 2016 with the advertising company Thinking Juice. The campaign involved an exclusive tie-in with boots.

The formula range is labelled with the same branding so that advertising of the follow-on formula and so-called "growing-up" milk also promotes the infant formula. While *Improvement Notices* could perhaps be issued over the cross-promotional aspect, the law needs to be brought into line with the Code to stop the advertising itself.

The shelf-talkers for the "growing-up" (number 3 formula in Abbott's range) serve to promote the whole range in store. It is not uncommon to find infant formula included in these displays as shown on the first page of this profile. .

Boots also promotes the Similac brand in its shopping smartphone app. offering free tins of



formula. Free gifts of formula are prohibited by the Code. The UK law prohibits free gifts of infant formula only, which is not included in the offer.

Boots also promotes formula brands with window displays and *Baby Events*. Again, it bypasses the restriction on infant formula promotion by featuring the Aptamil "growing-up" milk, branded identically to the infant formula. As shown on previous pages, the infant formula was "mistakenly" included in *Baby Event* displays in some stores.

ENCOURAGING BREASTFEEDING MOTHERS TO USE FEEDING BOTTLES



A breastfeeding mother was upset to be sent a free *Nuby Natural Touch* sample pack including a feeding bottle and dummy when she ordered breastpads from Boots in August 2016.

The pack included coupons worth £15 to be spent on Nuby bottles "for breastfeeding and combination feeding". The breastpad order that triggered the free gift was for just £1.29.

Introducing feeding bottles reduces suckling at the breast, which is how the baby stimulates the mother's milk supply, making bottle and formula use more likely. There are currently no restrictions on marketing bottles like this in the UK.



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MOTHERS OFFERED GIFTS TO MEET NESTLÉ SMA MARKETING STAFF

Nestlé teamed up with Boots for a *Parenting Club Event* in February 2015 to promote the SMA brand. Pregnant women and mothers around the country were invited to talk to Nestlé SMA Clinical Representatives.



Boots offered a free goody bag as an inducement to attend and a chance to win a "bottle starter set" and other items.

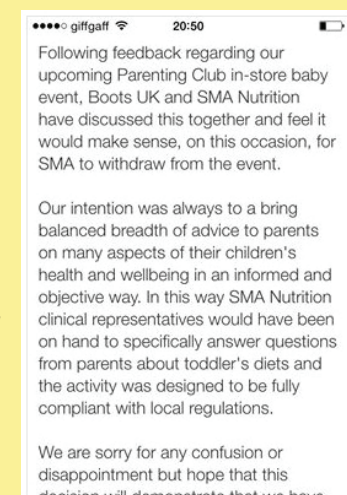
There were objections on Boots social media postings to this promotional campaign, which breaks the Code.

Baby Milk Action asked members of the public to monitor the events.



Boots then posted on social media that there would be no SMA involvement in the events after all. However, it continued to promote the Nestlé SMA Careline on its *Parenting Club* webpage with the advice, "call with your parenting questions".

Nestlé has a vested interest in selling products and cannot be relied on as a source of objective information.



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MEDICALISING INFANT FEEDING

Boots is a dispensing chemist and makes use of the trust that customers place in it to promote formula.

& Gate range. The Local Infant Feeding Information Board (LIFIB) reported in March 2013 on its discussions with Danone's formula representative:

As there have recently been some issues with the availability of the Comfort brand, we discussed this issue too, which led to the revelation that Comfort forms of both Danone's brands Cow & Gate and Aptamil are identical apart from the packaging.

And the price. In this display, the Aptamil costs £11.99, while the Cow & Gate is £10.50.

Advice recommending *Comfort Milks* undermines objective information from NHS Choices, which states:

This type of formula contains cows' milk proteins that have already been partly broken down (partially hydrolysed). This is supposed to make it easier to digest and help prevent digestive problems like colic and constipation. However, there's no evidence for this.



This example is a special end-of-aisle display from 2014 encouraging customers to ask for advice on common feeding problems, for which Danone has a formula to offer.

Those on the display are Aptamil "Anti-Reflux" and "Comfort - for the dietary management of colic and constipation".

Below those are the same formulas in Danone's cheaper Cow