Danone

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

Notable marketing claim

When babies are happy on the inside, they're happy on the outside

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.

Danone markets Aptamil and Cow & Gate brands in the UK. It uses similar marketing practices for both.

It advertises its infant formula brand names on television, print and social media. The infant formula brand is used across the range of milks, in breach of the regulations. Labels include idealising text and images.

Danone makes health and nutrition claims for infant formula and states it is based on breastmilk research, to suggest equivalence to breastmilk. It also plays on the emotions with, for example, laughing baby videos.

It offers inducements to pregnant women and parents to join baby clubs that use the infant formula brand. It provides information that undermines independent sources such as NHS Choices.

Information provided to health workers is generally not scientific and factual. References are misrepresented and misused.

Breaks the Code . . . Strengthen the Law .

Examples in the *Breaks the Code - Strengthen the Law* boxes 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.

Seeking direct or indirect contact is prohibited by the Code. The company promotes unnecessary follow-on milk and milks for older babies on social media. These promotions are prohibited 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:

> James Forster Mayer CEO Nutricia Ltd. Newmarket Avenue Whitehorse Business Park Trowbridge, Wiltshire, BA14 0XQ

COMPANY HISTORY

Danone is the world's second largest baby milk company after Nestlé, with about 14% of the global market (ref: Euromonitor).

Founded in 1919 in France, Danone was originally a manufacturer of glass bottles. It entered the food business to expand the need for them. Its first formula brand was Blédina, mainly sold in France and Francophone Africa. It expanded massively in 2007 when it acquired the NUMICO brands (Nutricia, Milupa, Cow & Gate and Aptamil). Its infant nutrition brands in the UK come under Nutricia Ltd.

Baby Milk Action wrote to Danone at the time of the NUMICO takeover asking it to bring policies and practices into line with World Health Assembly marketing requirements, for the new brands and its existing products. Danone refused to do so, disputing the validity of the measures. It competes aggressively with Nestlé around the world, with a marked increase in aggressive marketing in the UK following Nestlé's entry in 2012 when it took over the SMA brand.

Baby Milk Action and others have won cases at the Advertising Standards Authority (ASA) over misleading marketing claims made by Danone for its formula products. These and other strategies thought to break the law have been reported to Trading Standards, but no prosecutions have been brought.

MARKETING STRATEGY - CONTENTS

Danone's marketing to the public are presented in part 1 of this profile (part 2 on promotion to health workers will be available separately). Contents of part 1:

Product labels and branding

Same formula - different prices

Multimillion pound promotion of Aptamil formula claiming to create geniuses

Advertising claims Cow & Gate formula makes babies happy

Baby clubs and carelines

Danone is not a reliable source of information – even about its own products

Targeting nurseries and children's centres

Bogus health information organisations

"Inspired by breastmilk" strategy

Medicalising infant feeding

Training pharmacists to advise parents

PRODUCT LABELS AND BRANDING

Danone has relaunched its Aptamil and Cow & Gate formula ranges several times since the Infant Formula and Follow-on Formula Regulations were first introduced in 1995, yet it has never complied with the requirement that infant formula is labelled differently from follow-on formula. They are designed to be cross promotional.

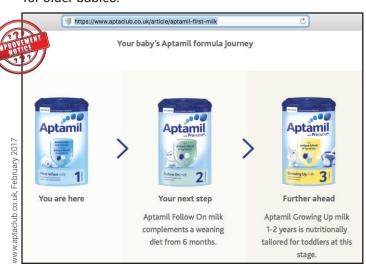
This is its Cow & Gate range of products.



Danone does not follow the Department of Health Guidance that says to comply with the Regulations introduced in 2007, the text for the type of formula (ie Infant Milk or Follow-on Milk) should be at least as large as the brand name.

While the numbers 1, 2, 3 etc. are in larger text, these are confusing as sometimes companies have used number 2 for so-called "Hungry baby formula" for use from birth.

Danone aims to move parents along from the infant formula in the range to the follow-on formula and milks for older babies.



This undermines advice from NHS Choices that infant formula can be used for the first 12 months and thereafter there is no need to feed babies with specially processed or fortified milks.

UK Regulations prohibit idealising text and images on labels. The Guidance Notes explain that this prohibition includes "baby or child related subjects and anthropomorphic characters, pictures and logos..." and "Pictures or text which implies health, happiness or well being is associated with infant formula."

Danone's Aptamil has a shield to symbolise protection and a polar bear image.

Danone's Cow & Gate logo is in the shape of a heart and the infant formula has a teddy bear.

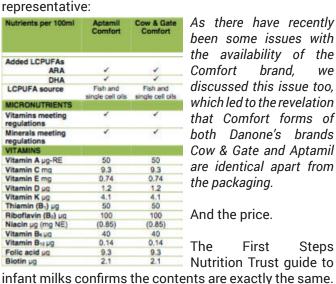
SAME FORMULA - DIFFERENT PRICES

Ask your pharmacist

In this special display in Boots the Aptamil formula costs £11.99, while the equivalent Cow & Gate formula is £10.50.

However, the different packaging and pricing sometimes hides the fact that the powder inside is exactly the same.

The Local Infant Feeding Information Board(LIFIB) reported in March 2013 on its discussions with Danone's formula



As there have recently been some issues with the availability of the Comfort brand. 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

And the price.

the packaging.

The First Steps Nutrition Trust guide to

Extract of the table in the guide at: www.firststepsnutrition.org/pdfs/Infant_Milks_September_2016.pdf



MULTIMILLION POUND PROMOTION OF APTAMIL FORMULA CLAIMING TO CREATE GENIUSES

Danone has relaunched its Aptamil range of formulas twice during 2016. Advertisements were placed in Sunday newspaper and weekly magazines such as *Hello, Weight Watchers* and *Marie Claire*.



TV advertising ran in over 12,000 advertising slots on all terrestrial commercial channels and selected cable ones. This one campaign cost nearly £4 million, with the print advertising involving a further spend of nearly £200,000 (ref: Ebiquity).

Danone formula is 40 - 65% more expensive than "budget" brands meeting the same composition standards. Danone's Aptamil formula is more expensive than Cow & Gate, partly due to greater advertising spend and partly as it is positioned as a premium brand. The advertising promotes the Aptamil infant formula brand. Picturing a follow-on formula is insufficient to bypass the

prohibition on promotion in UK law according to the *Guidance Notes* and so *Improvement Notices* could be issued.

This first Aptamil product launch had the slogan "Their future starts today" and showed babies alongside adults demonstrating various skills, including a ballerina and mathematician.



The advertisements highlight ingredients that have to be included in the product by law (Vitamin D and Iron) or are optional as they have no proven benefit (Omega 3). The composition of cow's milk has to be altered to make it more like human milk, and yet the required ingredients are promoted as if they confer special benefits for eyesight and cognitive development. At best, they will provide for "normal" development (the wording used has been tempered slightly following successful challenges by Baby Milk Action and others at the Advertising Standards Authority (ASA) over past advertising). In this case, the self-regulatory ASA did not accept the skills attributed to using the formula were exceptional.

The message of the images is that formula helps babies become mathematical geniuses or gives them the balance, stamina and strength to be ballerinas. However, independent studies show several IQ points are lost when a child is formula fed rather than breastfed (*Lancet Breastfeeding Series*, 2016).



Boots profile).

The advertisements refer to "moving on" from breastfeeding and state that Aptamil is "Inspired by 30 years of research". This was changed to "40 years" in the second product relaunch in 2016, featuring new packaging and the name Aptamil Pro, (responding to Nestlé's launch of SMA Pro).

The second relaunch included TV, online and magazine advertising. Special displays also appeared in Boots (further examples in the

Aptamil Profutura follow on milk powder 800g and growing up milk powder 1+ years 800g

Aptamil Aptamil Aptamil Memory Plans W Plans W

The second product relaunch cost over £3 million for TV advertising in over 9,000 slots plus more than £200,000 for print advertisements (ref: Ebiquity).

Perhaps due to the Olympics being in the news at the time, the Aptamil Pro video shows high diving, with a voiceover. "Your baby's future can be influenced by the early choices you make. Inspired by 40 years of breastmilk research, discover Aptamil's range of follow-on milks."

The "breastfeeding is best" small print becomes an endorsement as the product is based on it. Paradoxically, Danone states that follow-on formula is not a breastmilk substitute. This is included to suggest the product is outside the scope of the International Code of Marketing of Breastmilk Substitutes (WHO has made it clear such products come within the scope and should not be advertised).

ADVERTISING CLAIMS COW & GATE FORMULA MAKES BABIES HAPPY

Should decisions on infant feeding be influenced by which brand has the funniest advertising and offers the best gifts and website features? Danone attempts to persuade mothers to use its formula by playing on the emotions with laughing and clapping babies and offers branded cuddly toys and storybooks.

Although Cow & Gate formula is not so heavily promoted as Aptamil, Danone advertised it during this period with a television, print and advertising campaign with the slogan: "When babies are happy on the inside, they're happy on the outside". It also uses misleading health claims and offers free gifts and services to build brand loyalty.

Danone spent over £2 million from November 2015 to April 2016 on a television advertising campaign running in over 5,000 slots, claiming that its formula makes babies happy (ref: Ebiquity).

Television and print advertising directs parents to the Cow & Gate website. The ad. is a de facto advertisement for infant formula as the full range is promoted

on the site, with the same branding featured in the advertising.

Discover more of cowandgate could/happy

| Property | P

Cove Cate 2 100 6-12 months follow-on milk

When babies are happy on the inside, they're happy on the outside.

January 2017

Advertisements appeared throughout this time and into 2017 in parenting magazines, highlighting standard components of follow-on formula (the examples shown were in the January 2017 issue of *Mother and Baby*). Babies can receive these vitamins and minerals by other means and WHO and the NHS say follow-on formula is unnecessary.







Visitors to the website are orfered a free cudding cow as an

inducement to join the C & G baby club. Other features on the site include dropping baby pictures into a storybook featuring Cow & Gate toddler milk.



Facebook, January 2016

Site, February 2017

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BABY CLUBS AND CARELINES

Danone's central strategy for promoting its products to parents is to be the go-to provider of infant feeding and parenting information.



It targets mothers before their babies are born with the Cow & Gate baby club and Aptaclub. The websites are used to promote the company's infant formula and other products.

As well as emails tailored to the stage of pregnancy, and later the age of the child, Danone offers 24/7 expert advice.



These services compete with independent services available from the NHS and mother support groups and are prohibited by the Code. Baby Milk Action exposed in 2011 that Danone was offering to employ midwives to work on its careline through an agency so they would not have to declare a connection with a formula company to their employers.

Bank midwives would not be employed by Danone directly. They would be registered with a midwifery bank agency. Following a shift or a period of work a time sheet would be submitted and midwives would be paid by the agency. This ensures that midwives remain totally independent and are not affiliated with the company unless of course they want to be.

Danone also seeks to displace online mother-tomother discussion groups by running its own groups on its websites. Again, these target mothers from pregnancy.



Danone also offers phone apps to pregnant women, another way to promote its formula brand names and drive mothers to its websites.

The club websites provide information on breastfeeding, including on benefits



and how to address common problems, but come back to the goal of moving on from breastfeeding.



DANONE IS NOT A RELIABLE SOURCE OF INFORMATION - EVEN ABOUT ITS OWN PRODUCTS

Baby Milk Action and others have had complaints upheld by the Advertising Standards Authority (ASA) over Aptamil and Cow & Gate formula advertisements.

ASA Rulings in 2009 said Aptamil and Cow & Gate formulas could no longer be advertised with claims they "support your baby's natural immune system".

The ASA also ruled that the claim Aptamil is the "best follow-on milk" misled the public and could not be used. Nutricia (part of NUMICO at the start of the two-year dispute and Danone by the end) could not substantiate these claims.

A 2014 ASA ruling found Danone's "feed their personalities" advertisement for Cow & Gate follow-on formula had misled the public. Danone suggested benefits from the milk providing "calcium for strong bones" and "iron for brain development". There is no benefit from the formula over a normal balanced diet.

Danone heavily promotes so-called growing-up milks, but these are unnecessary products. A 2010 advertising campaign suggested babies would need to drink 12 litres of cow's milk to receive sufficient iron, but the ASA ruled this misled the public and cannot be repeated.

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TARGETING NURSERIES AND CHILDREN'S CENTRES

Action Milk exposed in 2012 that Danone was targeting nurseries, offering cash payments to display posters and distribute booklets and vouchers for Cow & Gate "growingup" milk. Jazzy media explained the campaign objective on the GetMedia website:



Cow and Gate wanted to inform mums about their Growing-Up Milk in a safe and trusted environment... It was also important for mums to receive their discount coupon by hand to prompt trial/purchase.

Research was carried out with 179 mums one week into the campaign and provided the following results: 89% recall and awareness, 49% had visited or planned to visit the website, 48% intended to trial/purchase the product, 40% said that the communications increased their awareness of the potential benefits of using a follow-on/growing up milk and 35% discussed the communications with another parent, the nursery manager, friends and/or relatives.

This undermines the information from NHS Choices that follow-on formula and so-called growing-up milks are unnecessary products.



Danone has since expanded connections with children's centres through the Healthy Eating for Young Children or HEY! project. According to its publicity

materials, after "a very successful pilot programme, which took place in Trowbridge, Wiltshire between 2011 and 2013, we are now in the third year of rolling the programme out to Early Years settings across England".

Danone offers marketing materials to recruit parents to a course, course materials, training of trainer courses and a £200 HEY! Grant (per course). Danone uses the fact the Royal Society for Public Health (RSPH) has accredited the course when approaching children's centres.

According to an assessment from Business in the Community in 2014, Danone benefits from a stronger reputation with partners.

. Strengthen the Law .

. Breaks the Code .

World Health Assembly Resolution WHA 58.32 states: "ensure that financial support and other incentives for programmes and health professionals working in infant and young-child health do not create conflicts of interest."

BOGUS HEALTH INFORMATION ORGANISATIONS

Danone has hijacked the "First 1000 Days" initiative promoted by health organisations such as NCT. This covers the first two years from conception.



nutrition now, matters forever

Danone operates website and email campaign information out of Ireland. There is no declaration in emails

that these have come from Danone. The About Us page makes no mention of Danone. Exploring the *Terms and Conditions* you find the following:

Danone Early Life Nutrition disclaims all liability and responsibility arising from reliance on the information for any purpose. Please consult your doctor or family member's doctor for medical advice.

Emails do not promote products, but messages complement marketing campaigns by, for example, highlighting the need for ingredients such as Omega 3 and Vitamin D used to promote products.



An organisation called Vitamin D Mission provides an online calculator that presents "growing-up" milks as a source of 100% recommended daily intake of vitamin D. There is no need for children over 1 year to have a toddler or

growing-up milk to provide vitamin D since the public health recommendation is that all 1-4 year olds should take Healthy Start vitamins. Fortified milks are higher in sugar and may have the wrong balance of other nutrients. Vitamin D Mission can be seen as a concerted attempt to change public health policy to recommend these milks.

The Vitamin D Mission site does not provide any information on the organisations involved in it. Instead it says it is produced by Vitamin D Mission, giving the registered number as 00275552. The Companies House register shows this is the number for Nutricia. The registered address given for Vitamin D Mission is not that appearing in the Companies House entry. Instead it is for Munro and Forster Communications, a public relations company.

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"INSPIRED BY BREASTMILK" STRATEGY

The Code prohibits companies from targeting the public with product information, not just for infant formula, but for follow-on milks and milks for older babies. This undermines independent information.

In recent years, Danone and other companies have had to acknowledge the better health outcomes in breastfed babies and now talk about "moving on" from breastfeeding or complementing breastfeeding. Danone claims its formula is inspired by breastmilk and then use the wonders of breastmilk as a product endorsement.



A timeline on the Aptamil website shows the formula has changed as components have been identified in breastmilk and synthetic ingredients developed with supposedly similar benefits. While this implies earlier formulas were deficient and new ones will be superseded, Danone launches each product with "new improved" marketing campaigns.

For example, in 2013 Danone ran four pages of advertising in *The Observer* magazine about its new Aptamil composition, including an advertising cover



saying, "The closer we look, the more we discover". This included the claim:

30 years of studying breastmilk have taught us how Omega 3 helps your baby's visual development. We've used that knowledge to create new Aptamil with Pronutra+. It contains our highest levels of

Danone has increased the level by 33% for its new Profutura campaign, again claiming it has "our

highest levels of DHA (Omega 3)". Danone suggests its

Omega 3, making it our most advanced formula yet.

formula is better than other brands (right) because of this, though other companies also

companies also present supposed proof that their brands are better.

The European Food Safety Authority approved the claim "DHA has a structural and functional role

in the retina and DHA intake contributes to the visual development of infants up to 12 months of age" in 2011 (the European Parliament voted to block it, but not by a large enough majority). First Steps Nutrition Trust points out that the claims for LCPs/LCPUFAs remain controversial:

A Cochrane systematic review of the safety and benefits of adding LCP to formula milk for term infants, completed in 1998 and reviewed in 2007, found that feeding term infants with formula milk enriched with LCP had no proven benefit regarding vision, cognition or physical growth (Simmer et al, 2007). These findings have been given further support by the results of a more recent meta-analysis examining the effect of LCPUFA supplementation on infant cognition which reported no significant effects (Qawasmi at al, 2012).

There have also been adverse effects from feeding babies with LCP-fortified formula, registered by the US Food and Drug Administration. First Steps Nutrition Trust notes in its *Guide to Infant Milks*:

A recent 10-year follow-up of a randomised control trial of DHA-supplemented formula in pre-term infants also found that girls were heavier and had higher blood pressure than the breastfed group (Kennedy et al, 2010), suggesting that the long-term implications of formula additions may not always be known.

First Steps Nutrition Trust also notes:

...while DHA-supplemented formula may be slightly better than unsupplemented formula, both are likely to be far less beneficial on visual development than optimal breastfeeding and therefore any claims are misleading (Kent, 2012).

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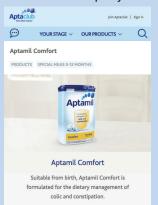
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MEDICALISING INFANT FEEDING

Danone promotes Comfort formulas on its Aptaclub and Cow & Gate Baby parenting sites for management of colic and constipation.

The sites break the Code by encouraging the public to contact company Careline teams for information.





Parents would do better to look to independent sources of information, such as the First Steps Nutrition Trust *Guide to Infant Milks*, which explains:

There is no consistent evidence that comfort milks improve babies' wind, colic, constipation or fussiness, and these will pass as the baby gets older. Often small changes to the timing and quantity of feeds can be effective in managing periods of fussiness.

In its analysis of the studies presented by the companies, First Steps Nutrition Trust noted that a

study Danone presented to show babies grew as well on comfort formula as standard formula also found no benefits from comfort formula:

...this trial also reported there were no significant differences in formula tolerance between the groups and that the number of and reasons for study dropout were not significantly different between the groups. The main reasons for drop-out were feeding problems including flatulence, stool quality or vomiting/posseting (Schmelzle et al, 2003).

The First Steps Nutrition Trust guide for health workers includes the latest expert reviews for other claims for these partially hydrolysed products:

A recent systematic review commissioned by The Food Standards Agency and published in the British Medical Journal in 2016 (Boyle et al, 2016) concluded that there was no consistent evidence that partially hydrolysed formula reduce risk of allergic disease.

A recent ESPGHAN working group consensus (Vandenplas et al, 2016) also concluded that evidence on efficacy of partially hydrolysed formula on prevention of atopic disease is limited and also highlighted the lack of any evidence on longterm metabolic consequences and outcomes of using these products.

TRAINING PHARMACISTS TO ADVISE PARENTS

Danone promised Baby Milk Action in May 2012 that it would stop distributing materials for the public

> through the health care system after company leaflets offering advice on pregnancy were found in clinics and pharmacies.

> It has now changed its approach and offers training to pharmacists for them to advise parents on baby feeding.

> This leaflet in Alphega pharmacies does not reveal that the training was provided by a company with a conflict of interest as it sells products marketed to address colic and constipation.

Looking for baby feeding Visit your local **Alphega Pharmacy** Come in and talk to one of our trained team members any time. No appointment needed. We can help you and your baby with: General feeding advice Feeding support Feeding problems



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