

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.

Morrisons has promoted infant formula through its online shop with "before you go" offers when people have bought baby products. UK law prohibits infant formula promotion.

Promotional price cuts have been found online and instore for infant formula.

Clearance price cuts, with sticky labels, have been reported around the country. These were particularly noticeable for SMA formula after Nestlé introduced a new formulation saying babies were receiving protein in "excess of requirements". Customers were not informed why the formula was on clearance sale.

Shelf-talkers for other products and promotions have also been placed alongside infant formula.

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.

The promotions that Morrisons has run for feeding bottles, follow-on formula and milks for older babies break the Code. They are allowed under current UK law, although action could be taken to stop such promotions from being used to cross-promote infant formula.

Company details for enforcement officers:

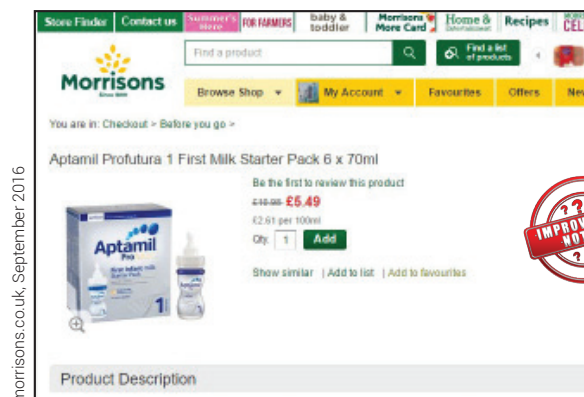
Rooney Anand
CEO Morrisons
Hilmore House
Gain Lane
Bradford
West Yorkshire
BD3 7DL

COMPANY HISTORY

Morrisons traces its origins to 1899 and a Bradford market stall. It now has more than 500 stores across the UK and an online home delivery service serving 11 million customers. It is the UK's fourth largest supermarket chain.

SPECIAL OFFERS ON INFANT FORMULA

The screenshot below shows a "before you go" offer promoting infant formula to a mother who had bought nappies in the Morrisons online store. This had a price reduction offer and promoted the product with the idealising claim it is "*Inspired by discoveries in Early Life Science*".



morrisons.co.uk, September 2016

The product description directs customers to Danone for infant feeding information, stating it has "*an expert team of midwives, nutritionists and feeding advisors available 24 hours a day, 7 days a week*".

When this was raised with Morrisons on Twitter, it denied having infant formula on promotion, but other shoppers posted to say they had seen the same offer at the checkout stage or appearing as a 50% "flash sale" when browsing the baby section.



September 2016

Aptamil Profutura infant formula was found instore several months later (February 2017) with a printed shelf-talker offering the same 50% price cut. Such promotions are to prompt impulse purchases, which is a poor reason for deciding to introduce formula or switch brands.



Lutterworth, February 2017

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PROMOTION OUTSIDE CURRENT REGULATIONS THAT BREAK THE CODE

Morrisons has promoted feeding bottles on social media. These products are not covered by the UK law. The vouchers it issues at the checkout to encourage customers to make purchases on their next visit have included discounts on follow-on milks and milks for older babies. This example is from 2015.



Facebook, August 2016



The *Guidance Notes* to the law says it is not permitted to use follow-on formula to promote infant formula brands, so *Improvement Notices* or prosecutions could be issued on this aspect of the promotion if it is repeated.



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PROMOTION OF DISCONTINUED SMA FORMULA

Nestlé launched SMA PRO in January 2016, telling health workers that babies fed on existing formula had been receiving protein in “*excess of requirements*”.

Morrisons put the discontinued SMA infant formula on clearance sale, but did not tell parents why.

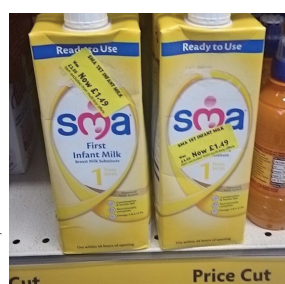
The montage of some of the examples reported to Baby Milk Action below shows the practices continued in stores across the chain. In some cases, the formula is the high casein infant formula, marketed as “*Extra Hungry Baby Milk*”, leading to the possibility of babies being switched between whey and casein formula on the basis of what happens to be on sale.



Bramley, May 2016



Penrith, June 2016



Witham, June 2016



Tewkesbury, August 2016

CLEARANCE SALES OF INFANT FORMULA

Morrisons continues to run price promotions on infant formula to clear damaged formula or products close to their use-by date.

The examples below include large price reductions on Hipp Combiotic Hungry Baby Formula. In one case the packs are just 5 pence, a tempting reason to try the formula, but would switching to a casein formula be right for the baby?



Troon, June 2016



Caernarfon, September 2016



Paignton, August 2016

Other examples of point-of-sale promotion are given below: a “*price crunch*” sign and claims relating to other formulas in the Aptamil range, both alongside infant formula in breach of UK law.



Morley, September 2016



Bedford, August 2016



Improvement Notices or prosecutions could be issued for the most recent examples of point-of-sale promotion of infant formula.