

Kendal Nutricare

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

Company response

It will change labels, end sponsorship and no longer target toddler groups

SUMMARY OF CONCERNS AND RESPONSE



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.

UPDATE: Baby Milk Action has raised these concerns with the company since October 2016. A preview copy of this profile in March 2017 prompted a full response from the CEO - given on the Baby Milk Action website.

Kendal Nutricare advertises infant formula on social media in breach of UK law. The infant formula has been promoted directly at events and to preschool and toddler groups. The CEO states the company has not contacted toddler groups since early autumn 2016 and will refrain from sponsoring events in future.

The “whole milk” formula is claimed to deliver more energy, and create fewer digestion and constipation issues. The CEO has provided links to various blogs and three studies, one unpublished. These will be reviewed, but none substantiate the claims in the terms given. The CEO says it has not mentioned these claims in any material produced for external use since first being contacted.

Labels for the Kendamil range do not comply with the requirements to make the infant formula clearly different from other milks. Idealising images are used. The CEO denies the logo is a heart, but says it will be removed. He also suggested Kendamil Nutrition is considering removing follow-on milk from its range, though not milks for older babies.

The CEO stated the “whole milk” claim on labels will be changed. It is potentially dangerous as whole milk is unsuitable for babies under 12 months of age.

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.

COMPANY HISTORY

Kendal Nutricare Ltd. was incorporated on 15 January 2015 as a private limited company. In June 2015 it purchased a milk processing factory from H J Heinz in Kendal (the factory had once made the Farleys brand of formula, which Heinz had withdrawn).



Kendal Nutricare states in its marketing that it has over 50 years of experience in producing formula as the factory was established in 1962 by Glaxo. The logo, left, appears on its publicity materials and product labels.

The company manufactures Kendamil formula, saying on its website: “In Britain, It is listed by the NHS, as well as in Booths stores in the north west, Yorkshire and Cheshire, and is available online at www.kendamil.com and at Amazon.”

Kendamil is being distributed across North Africa and through 6000 stores in China. The company also plans to open up new markets in the USA, Canada and Mexico in 2017.

MISLEADING “NATURAL” AND “WHOLE MILK” CLAIMS

Kendal Nutricare presents Kendamil formula as “natural” as it uses whole cow’s milk as a raw material, rather than skimmed milk.

The claim that the formula is “whole milk” is highlighted front of label.



These claims are misleading and undermine public health information. The NHS Healthy Start leaflet *Which milk is best for your baby?* states:

Never give cow’s milk as a drink to a baby under 12 months old.

A NUTRITIOUS AND NATURAL CHOICE

British made, whole milk-based infant formula, more natural goodness



www.kendamil.com, January 2017

However, Kendamil is not really whole milk, despite the claim on the label. As the NHS Choices website explains:

Formula milk, also known as baby formula or infant formula, is usually made from cows' milk that has been treated to make it more suitable for babies.

Labelling the formula as “whole milk” is potentially dangerous as it suggests that newborns can be fed with whole milk, when they cannot.

This is particularly troubling as Kendal Nutricare exports to developing markets where there is a known problem of mothers buying whole milk powder if they are not breastfeeding and cannot afford formula.

the composition since then:

As is so often the case, reverting to a ‘traditional recipe’, like that used by our grandparents, provides more wholesome goodness.

UNPROVEN CLAIMS OF HEALTH BENEFITS

In a communication to the media, Kendal Nutricare states:

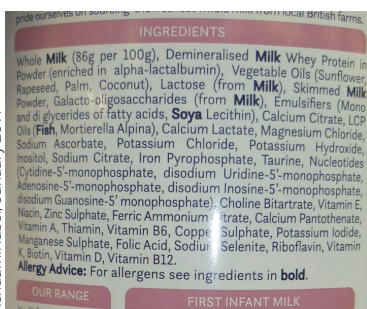
As anticipated, the cream is delivering more energy, creating fewer digestion and constipation issues than occur with a heavy use of vegetable oils and is promoting better sleep patterns.

Health and nutrition claims are prohibited unless specifically authorised following independent investigation of the science to substantiate them.

UPDATE: The CEO of Kendal Nutricare responded to the preview of this profile stating that the health claims were based on reports from customers and said that since being contacted by Baby Milk Action in 2016 “we have not mentioned this in any material that we have produced for external use”. Full statement at www.babymilkaction.org/monitoringuk17

The CEO provided links to various blogs and studies in favor of using animal rather than vegetable lipids. These are being reviewed. The most substantial of these notes: “Data on the structure of human milk throughout lactation and its evolution during digestion is still lacking to get a basis of optimization for infant formulas.”

The formula listing on the Kendamil website continues to state (14 March 2017): “Better suited for sensitive babies digestive systems than skimmed milk products.”



Kendamil is not so much “natural” as “highly processed”. The whey:casein ratio of whole milk is unsuitable for humans so Kendamil adds additional whey protein. It also adds skimmed milk powder and vegetable oils

(which it criticises other companies for using), fatty acids (from fish), vitamins and many other additives to address just some of the differences with human milk. The label lists 47 ingredients and ingredient types.

All formulas on the market have to meet the same composition requirements set out in the *Infant Formula and Follow-on Formula Regulations (2007)*. Yet marketing communications from Chief Executive Officer, Ross McMahon, hark back to a supposedly better recipe from the time of our grandparents, despite other changes in

Kendal Nutricare

PROMOTING INFANT FORMULA DIRECTLY TO FAMILIES

The company has said it will now refrain from sponsoring events, such as the *Baby and Parent Chill Zone* at the Kendal Festival of Food in 2016 (right).

This was used to promote the formula range (including the infant formula), seek direct contact with parents and offer prizes and vouchers. The website stated:

Kendal Nutricare will be offering Kendamil sampling opportunities and engaging with parents looking for the best possible alternative to breast milk for their young child.

There will also be a free prize draw, through which three winners can each win £350 of baby and toddler food products from the Kendal Nutricare shop at Mint Bridge Road, Kendal. Parents can also pick up vouchers, to redeem at the shop.

Leaflets (pictured below) specifically refer to infant formula, though only the follow-on formula and milk for older babies is pictured. This is insufficient to bypass the legal restriction on infant formula promotion.



A testimonial alongside "Alexander, 5 months old" states:

"A very content, thriving baby who now sleeps right through the night."
Louisa - Mum

The leaflet contains none of the statements about the importance of breastfeeding required for infant feeding information materials. Instead, it states:

Kendamil's unique formula is the only one to deliver the health benefits of whole milk... Many parents tell us this gives their child



more energy, helps them sleep better and sorts out digestive issues too.

The leaflet has been reported at a preschool nursery by a parent. The company also targets toddler groups (see box).

CROSS-PROMOTIONAL, IDEALIZING LABELS

It is a legal requirement that infant formula and follow-on formula labels should be clearly different. The *Guidance Notes* from the Department of Health say that text giving the type of formula should be at least as large as the brand name and that there should be no text or images that idealise products or play on the emotions.

In a response to the preview version of this profile, the CEO of Kendal Nutricare said the company will consider marketing infant formula only and stop selling follow-on formula. Follow-on formula is an unnecessary products (as are so-called "growing-up" or "toddler" milks). All infant formulas can be used from 0 - 12 months of age.

The CEO said the company is "going to replace the illustration which was not actually a "Heart" but a drawing modified after our original submission to the Dept. of Health."

While it is a legal requirement to send a copy of labels to the Department of Health it does not approve these, but uses them to register what is on the market.

POSITION ON BETTER MARKETING REGULATIONS

Kendal Nutricare had a public relations campaign opposing restrictions on the marketing of formula. It stated in a blog on its website: "mums cannot gain the information that can help them make the best choices in relation to infant formula."

However, the CEO now says the company supports a proposed "Feeding Products for Babies and Children (Advertisement and Promotion) Bill" to be debated in March 2017. This will potentially stop commercial promotion and ensure accurate, independent information is available.

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DIRECTLY TARGETING FAMILIES

The *International Code* prohibits companies from seeking direct or indirect contact with pregnant women and the mothers of infant and young children. This is only prohibited in the UK in the context of promotion of infant formula.

Kendamil had a stall promoting its formula at the Westmorland Country Fest. A representative visited mothers at toddler groups, as revealed on its own Facebook page. This has apparently now been stopped.



Westmorland Country Fest, June 2016



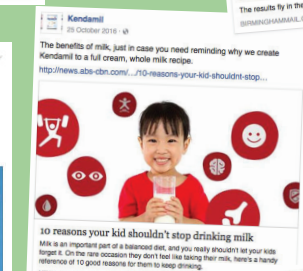
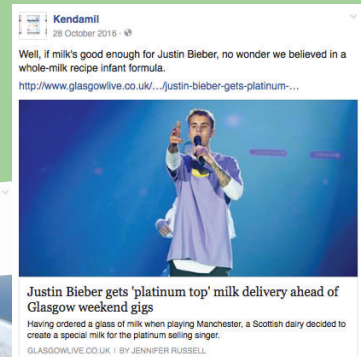
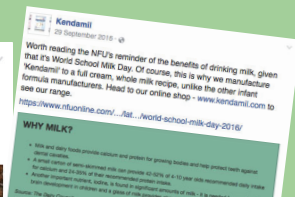
Facebook, May 2016 - Faces obscured

ONLINE CAMPAIGN TO PROMOTE PRODUCTS AND UNDERMINE LEGISLATION

Kendal Nutricare uses its Facebook page to promote its products. Improvement Notices or prosecutions could be issued where this involves infant formula. Otherwise, the law needs to be strengthened.

Many posts seize on news reports about children - or celebrities such as Justin Bieber - drinking whole milk to endorse feeding babies with "whole milk" infant formula, including suggesting it will make children slimmer. Posts also use reports on sleeping patterns to promote the claim that babies fed on Kendamil sleep better.

The CEO said in response to the preview version of this profile: "We have not engaged with any toddler groups since early autumn 2016, nor have we posted anything on social media that you may see as linking doorstep milk to Kendamil."



Facebook posts, as dated



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