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.

Mothercare promotes formula feeding to new mothers through direct marketing to its email lists. As a retailer of infant formula, this is an attempt to induce sales and so may be covered by the law.

Other marketing emails use follow-on formula or carelines to promote infant formula brands, which the Guidance Notes to the law says should not be done.

The example of the Mothercare email promoting the SMA brand was reported to both Trading Standards (via the Citizens Advice Bureau system) and the Advertising Standards Authority. However, the results of their investigations are still awaited.

Mothercare promotions of follow-on formula, baby clubs and feeding bottles and teats are not permitted by the Code, even if they did not promote infant formula brands.

Marketing emails directing parents to Nestlé’s careline are not permitted either. Manufacturers and distributors of products within the scope of the Code should not seek contact with pregnant women or mothers of infants and young children, directly or indirectly.

Contact details for enforcement action:

Mark Newton-Jones
CEO Mothercare
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WD24 6SH

COMPANY HISTORY


PROMOTING BOTTLE FEEDING TO CUSTOMERS

Mothercare sells infant formula, feeding bottles and teats. It promotes formula feeding instore and through email and social media marketing.

For example, Mothercare sent a targeted email to a customer on its email list with the subject, “Claire, your baby at 3 weeks old”. This is an age when mothers may be concerned about how breastfeeding is going.

Mothercare’s message? “A useful guide to formula feeding”.

The mother had signed up to receive emails when buying baby clothes and did not request information on formula.

The law prohibits advertising of infant formula. If the unsolicited information on formula in this email is viewed as educational materials, then it does not contain the facts required by the law. As a retailer, Mothercare is encouraging customers to purchase any formula brand it stocks. Therefore, it may be relevant to issue an Improvement Notice to warn Mothercare not to use its mailing lists to encourage customers to purchase formula.
Mothercare sent members of its baby club an email in December 2016 on the importance of nutrition “from the start of pregnancy to a child’s second birthday”. This used the NCT’s “first 1000 days” slogan.

The email promoted Nestlé’s SMA formula brand and its experience in “early life nutrition”. It encouraged customers to contact the SMA-branded careline for childcare information, so undermining independent sources.

The email pictures SMA follow-on formula. However, the Department of Health Guidance Notes to the UK law make it clear that doing so is insufficient to bypass the prohibition on promoting infant formula brand names.

Mothercare claims SMA follow-on formula is “Helping to build a nutritional foundation for life” and is “tailored” to babies’ “nutritional needs”. Yet it is an unnecessary product.

Asked by Baby Milk Action on Twitter to stop misleading parents, Mothercare responded:

WHO and the NHS advise against these products. Countering that advice is not supporting parents.

Mothercare has a clothing-specific email list.

The footer to this “Little Bird” email from 10 September 2016 promotes a feeding bottle to prevent colic.

Such claims are not currently regulated under UK law. It is a case of “buyer beware”.

Promoting feeding bottles is prohibited by the Code.

Promotions such as this also undermine breastfeeding as they encourage parents to introduce feeding bottles if their baby suffers from colic.

There are no statements on the benefits of breastfeeding or the difficulty of reversing a decision to introduce feeding bottles as these are only required by current law in the context of infant formula.
TARGETING FATHERS TO SELL BOTTLES AND FORMULA

Mothercare promotes bottle feeding as something for fathers to do – as with its “guide to formula feeding” shown on the first page of this profile.

In August and September 2016, Mothercare promoted the Latch feeding bottle with in-store advertising placed at the entrance to stores on the security tag detectors and on bollards outside some stores.

The advertising shows a father feeding a baby and offers savings of up to 1/3. Introducing bottles undermines breastfeeding as it is the baby suckling at the breast that stimulates the mother’s milk production.

ENCOURAGING MOTHERS TO INTRODUCE BOTTLES

Mothercare takes advantage of the lack of controls on the marketing of feeding bottles and teats to promote them as equivalent to breastfeeding.

Its marketing email in September 2016 (right) encourages breastfeeding mothers to introduce Latch bottles to “Effortlessly combine breast and bottle-feeding”.

Mothercare cites an “In home study of 100 US mums” to support a claim that 9 out of 10 mums agreed the bottle makes it easier to move between bottle and breast.

It claims the Munchkin Latch Bottle STRETCHES, PUMPS and MOVES like the breast and suggests it will “help reduce the symptoms of colic”.

No reference is made to any peer-reviewed, published study.