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defending breastfeeding

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International Baby Food Action Network

Red internacional de grupos pro alimentación infantil

Réseau international des groupes d'action pour l'alimentation infantile

IBFAN comments:

EU Action Plan to Reduce the Number of stunted children by 7 million by 2025

The International Baby Food Action Network (IBFAN) is a 33 year-old global network that works to protect, promote and support breastfeeding and food-based complementary feeding, in realization of a child's right to health and adequate food. IBFAN is committed to working with governments, the United Nations and NGOs to address child survival and to draw the world's attention to strategies that tackle malnutrition in a just, equitable and sustainable way, giving priority to peoples' ability to produce and access nutritious foods locally.

IBFAN appreciates the opportunity to comment on the draft EU Action Plan to reduce stunting by 2025.

Summary of IBFAN's comments on the Action Plan:

1 Lack of coherence with EU Policy on Governance, Conflicts of Interest and the promotion of public private partnerships

2 Inadequate mention of the need to protect and support breastfeeding and appropriate sustainable complementary feeding.

3 No mention of the need to control marketing.

4 Undue emphasis on commercial product-based fortified foods and food supplements

5 Failure to acknowledge developing countries' sovereign right to protect and promote food and nutrition security and control marketing

"Despite the common reliance on industry self-regulation and public–private partnerships to improve public health, there is no evidence to support their effectiveness or safety. In view of the present and predicted scale of non-communicable disease epidemics, the only evidence-based mechanisms that can prevent harm caused by unhealthy commodity industries are public regulation and market intervention". Profits and Pandemics: prevention of harmful effects of tobacco, alcohol, and ultra-processed food and drink industries,
Moodie et al, Lancet, Feb 12,2013

"Trade rules must be shaped around the food security policies that developing countries need, rather than policies having to tiptoe around WTO rules," "Supporting local food production is the first building block on the road to realizing the right to food, and trade must complement local production, not justify its abandonment."

Olivier De Schutter, Special Rapporteur on the right to food, December 2013

1 Concerns about Governance, Conflicts of Interest and promotion of public private partnerships

We have concerns that the Action does not fully reflect the guiding principles outlined in the EU Commission's *Communication to Parliament: Enhancing Maternal and Child Nutrition in External Assistance: an EU Policy*[1] This states that *"The EU should strive to* ***prevent and minimize any negative effect its assistance could inadvertently have on nutrition"*** In its call for collaboration with the private sector the Policy states that the "*EU will promote responsible business practices, Corporate Social Responsibility, a sound policy and regulatory environment* ***as well as avoidance of conflict of interest and of unfair advantage****."*

We are pleased that 3.1.1 of the Action Plan calls for a *Strengthen*[ing of] *political commitment and good governance at country level*' a "*strengthen*[ing of*] legal frameworks relevant to nutrition (e.g. encouraging breastfeeding, women's rights, iodisation laws*) and that *"Good governance will not be possible without effective monitoring and evaluation systems to have a good understanding of the determinants of undernutrition and to gather evidence on the effectiveness of the programmes put in place."*

However the Action Plan fails to address the Policy's crucial (though inadequate) reference to Conflicts of Interest (COI), proposing that "*When efficient, the EU will seek partnerships with the Private Sector*" and uncritically promoting the Scaling Up Nutrition (SUN) initiative and other multi-stakeholder public private partnerships and Platforms. SUN is described as a *'critical enabler.'*

Before promoting SUN and other partnership approaches as models of good practice the EU has duty to carefully evaluate their risks. As a sponsor and member of SUN's Lead Group, it also has an opportunity and responsibility to insist on fundamental changes to SUN's approach to ensure that public health policy setting is protected from undue commercial influence.

Without proper attention to the overarching issue of COI - many of the nutrition sensitive interventions identified in the Action Plan, such as water, sanitation and hygiene, education, health, agriculture, food security, social protection and cash transfers, risk being undermined and interpreted inappropriately. With no adequate safeguards in place transnational corporations, many based in the EU or other producer countries, will gain unprecedented access to policy makers, risking undue commercial influence over national, regional and global policies. All know that 'malnutrition' is a profitable business.

In response to some of IBFAN's criticisms in our paper[2] SUN has made some alterations to its public statements (but not its Roadmap). It is acknowledging the importance of sustained breastfeeding (not just exclusive breastfeeding for 6 months) and now says that governments must be in the lead. However, a fundamental part of SUN's Strategy remains to encourage developing country governments to set up 'multi-stakeholder' Platforms that involve businesses. This inevitably will be at a core

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[1] **WD(2013) 72 final** *"The EU should respond through multiple sectors to address the various determinants of undernutrition.* **This approach recognises that nutrition-specific interventions alone will be insufficient for a sustainable reduction of undernutrition.** *In particular, actions that address rural development, sustainable agriculture, food and nutrition security, public health, water and sanitation, social protection and education will be highly relevant. Nutrition development interventions will give priority to creating the right conditions for optimal growth during the 'crucial window of opportunity' of the first '1 000 days' between conception and two years of age.* ***The EU should strive to prevent and minimize any negative effect its assistance could inadvertently have on nutrition****. For instance, this is important in relation to the safety of innovations and the use of specialised nutrition products. Control measures are also essential to reduce risks such as an increase in food-borne or water-borne diseases, or in women's workload to the detriment of childcare.* ***Furthermore the EU will ensure coherence and consistency between its policies that have an impact on food and nutrition security such as trade, climate change, health, environment, employment, etc.***

[2] The *Scaling Up Nutrition, IBFAN's concerns about the role of Business Nov 2012*
http://info.babymilkaction.org/sites/info.babymilkaction.org/files/SUN%20IBFAN%2028.11.122.pdf

planning level and very often before countries have established regulations that adequately prevent inappropriate marketing. This is risky. In 2012 the Global Alliance for Improved Nutrition (GAIN), an organization on SUN's Lead Group that works in partnership with corporations to create markets, was found to be lobbying to weaken Ghana's draft law on baby food marketing. GAIN implied that proceeding with the law would threaten *"Kenya's ability to meet its commitments as a Scaling Up Nutrition (SUN) country."* [3]

Meanwhile the SUN Business Network is continuing *".. its support to help SUN Countries to engage with business through a multi-stakeholder approach to scaling up nutrition."* Organisations such as PA International, that describes itself as political advisors, are also advocating increased engagement of businesses – right from the very beginning. To quote from PA's message of 2nd December: *"First of all, we would like to emphasise the urgent need to reduce stunting for as many children as possible in the shortest possible time period. Although we admit that governmental cooperation and policy making form the foundation of effective and sustainable measures in the long term, we would strongly suggest that the Action Plan incorporate industries from the very beginning. This will allow important progress on the short term. The world's foremost food and beverage industries have developed impeccable supply chains and this should be the most cost-effective basis for the supply of both micronutrients and food to those that urgently need it."* [4]

RIGHT: A PA Group slide[5] shows NGOs as mere distributors of food sachets to poor children and governments as facilitators PA does not disclose the companies it works for on its on website.

[3] http://info.babymilkaction.org/sites/info.babymilkaction.org/files/Page%201GainKenya.pdf

[4] PA Europe's listing on the EU Commission Transparency Register states that it: *"helps develop and manage strategic and corporate communications of various clients (Governments, companies, NGOs, industry associations, societal organisations) from different fields (food, energy, environment, biotech, telecoms, etc.) vis-à-vis third party stakeholders – which provides PA with a very broad view of EU policies. This amongst others includes:*

- *Government relations, including EU institutions*
- *Development of a communication strategy and framework*
- *Pro-active and selective media approaches*
- *Silent diplomacy and lobbying/political communication*
- *Dialogue and engagement with societal stakeholders*
- *Crisis management and crisis communication as well as traditional PR support*

[5] *Effective Global Combating Malnutrition Models Through All-Stakeholder Full Food Value Chain PPP-CSR Based Approaches*. Circulated prior to the EU meeting on 18th Nov 2013

1.1 SUN and the Global Social Observatory

SUN has now – very late in the day and after its establishment of the SUN Business Network – started to address COI. However its decision to use the *Global Social Observatory* (GSO) to conduct the critical task of producing COI guidance does not inspire confidence that this issue is being taken seriously. GSO is a body that is not independent of commercial interests, and its efforts so far leave out any guidance for SUN's own governing and coordinating bodies. GSO's "Reference Note" shows poor understanding of the COI concept and the existence of irreconcilable conflicts of interest. It mixes COI with conflict resolution and uses concepts such as 'mutual accountability' that assign governments roles not compatible with democratic processes etc. No reference is available for the sweeping statements it contains, such as *"there is more to be gained by engaging all groups that are working to improve nutrition."* The focus of the GSO "Reference Note" is solely on countries, leaving out the SUN Lead Group and the SUN Secretariat that have, since 2010, determined SUN direction and strategy. This approach, furthermore, completely ignores the WHA 65.6 Resolution (2012) which requires COI to be addressed at all levels, not just to Member States at country level.

The SUN website lists some of the commitments of the members of the SUN Business Network who are now targeting mothers and children with products. The network is hosted by a group called *"Business Fights Poverty: the world's largest community of professionals harnessing business for social impact."* Yet there is no transparency about which corporations are involved.

1.2 The need for independent on-the-ground monitoring

Many transnational food companies often claim that their marketing practices are already largely 'responsible' and that their policies are in line with those of the UN. If policy makers are to make wise decisions it is essential that they have access to real on-the-ground monitoring, funded and carried out independently from companies. Analyses such as the GAIN-sponsored *Access to Nutrition Index*, that look only at statements and policies of major food corporations tend to be highly promotional and distorting.[6] Such indexes also tend to ignore the critical and important role of smallholder farmers, fisher folk, pastoralists and foresters in the provision of diverse and sustainable foods for the vast majority of the world's poor.

1.3 Risks of pushing nutrition supplements and formulas for mothers

SUN and GSO's definition of a COI is likely to ignore the large range of transnational companies (not specifically those marketing breastmilk substitutes) that are developing fortified food supplements and other products for pregnant and lactating mothers and older infants and young children. Transnational companies have extensive resources to promote their products (that are invariably more expensive than local foods). If micronutrients are over-emphasised confidence in breastfeeding and in real home-produced complementary foods can easily be undermined. IBFAN is increasingly concerned about supplements and milks for mothers, especially then they marketed or presented as essential for successful breastfeeding. IBFAN has evidence that these products create opportunities for companies to enter the breastmilk substitutes market.[7]

2 Inadequate protection and support of breastfeeding and appropriate sustainable complementary feeding

IBFAN welcomes the emphasis on nutrition during the first 1000 days but regrets the scant attention paid to the support and

[6] http://info.babymilkaction.org/pressrelease/pressrelease12mar13

[7] ***ICDC Focus on Fonterra.*** http://info.babymilkaction.org/sites/info.babymilkaction.org/files/Milks%20for%20mother_0.pdf

protection of breastfeeding. This is despite the large body of research that demonstrates that it is one of the most effective and sustainable interventions to prevent SAM and MAM and to positively impact on child spacing, health and survival. Sadly, for the most part, the Action Plan refers only to the 'promotion' or 'encouragement' of breastfeeding. The promotion of breastfeeding is far less important that its protection and support. Indeed promotion without protection can even be counterproductive. It is not surprising that businesses are keen to 'promote' breastfeeding, even though this is a clear conflict of interest and not permitted by several WHA Resolutions. The steps needed to create an enabling environment for breastfeeding are clearly outlined in the G*lobal Strategy for Infant and Young Child Feeding.* They include the Baby Friendly Hospital Initiative, independent monitoring, community-based skilled counselling, follow-up support, maternity protection legislation and implementation of the International Code and relevant WHA resolutions. Since all EU Member States endorse the *Global Strategy*, the Action Plan could use it to encourage the creation of environments that would make it possible for those mothers who wish to breastfed to do so. IBFAN has produced a financial planning tool, *The Need to Invest in Babies*, that is designed to help governments implement the *Global Strategy* in its entirety and ensure that the costs of resourcing breastfeeding are equitably shared. [8]

IBFAN is pleased that **Section 3.2.4** proposes *"measures that specifically protect the workload and time-demands of pregnant and lactating mothers."* However, to be effective, this section should specifically call for laws rather than measures. Maternity protection laws and benefits must cover not only the public sector, but the private and informal sector. They must also ensure that workloads are not excessive. The right of mothers to breastfeed is recognised by the *Convention on the Rights of the Child* (CRC) and the International Labour Organisation (ILO), which recommends maternity leave and nursing breaks for working women. *The Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) also acknowledges women's right to be supported during breastfeeding, through the provision of appropriate services and nutrition. The primary duty bearer to ensure the enabling environment women need to breastfeed optimally is the State.

3 There is no mention of the need to control marketing.

A critically important component on the *Global Strategy* is the implementation of the *International Code of Marketing of Breastmilk Substitutes and subsequent relevant Health Assembly resolutions* in their entirety. The commercial promotion of baby feeding products is a key obstacle to ensuring that every mother can make an informed decision about how to feed her child. Compliance with the *International Code* and subsequent relevant WHA resolutions must remain central to the improvement of children's lives. There is no way that breastfeeding rates and duration will increase without it. While EU policies on infant feeding fail to meet even the minimum requirements of the International Code and WHA Resolutions, an imbalance inevitably exists in all trading arrangements with countries with 'stronger' legislation.

This lack of attention to marketing, alongside the proposed involvement of businesses at such a core level, is very likely to undermine the sovereign right of developing country governments to implement the WHO Resolutions and stop harmful marketing. The food industry's top strategic priority is, and always has been, to minimise regulation so that markets can be created or maintained for commercially processed foods.

Inspired by multi-stakeholder initiatives such as SUN and the Global Alliance for Improved Nutrition (GAIN), a large range of food corporations are now moving into the infant and young child feeding/maternal food supplement market (see comment 1.3). Meanwhile developing country governments are being pressured by those working for industry to allow advertising of products for babies over 6 months – with claims that marketing restrictions beyond 6 months are an unfair barrier to trade.

[8] http://bpni.org/wbci.html

4 Undue emphasis on commercial fortified foods and supplements

We are pleased that the Action Plan acknowledges that scaling-up the nutrition specific actions will not be enough unless the underlying causes are tackled and that the ten interventions identified by the Lancet Series on Maternal and Child Nutrition (June 2013) will only tackle 21% of stunting. IBFAN is concerned that 8 of the 10 recommended interventions are product based and in our view over-emphasize the importance of fortified foods and supplements.

IBFAN has registered its concern about some of the Lancet's recommendations, including in the fourth paper, the suggestion that the private sector generates "*evidence about the positive and negative effects of private sector and market-led approaches to nutrition.*" This cannot be the best way to generate the sound independent evidence that governments need to make wise decisions. IBFAN has registered concern that two of the Lancet authors hold advisory roles for a major baby feeding corporation, roles that could, depending on the circumstance, result in exclusion from European Food Safety Authority Working Groups.

Any over-emphasis on micronutrient supplements, especially in unregulated markets, promotes a 'magic bullet' mentality that runs counter to the recommendations of the *Global Strategy* which emphasizes the much more sustainable approach of community-based skilled counseling and the "*widest possible use of indigenous foodstuffs.*" [9]

IBFAN recognizes that commercial RUTFs are considered useful by many agencies in the treatment of SAM, largely because of their convenience. But convenience cannot be the only criterion. If such products are used they must be limited and carefully managed. Two systematic reviews by the **Cochrane Collaboration** [10] recognized as an important international benchmarks for evaluating the effectiveness of health interventions – could not find evidence that commercial ready-to-use foods and lipid-based supplements are better than flour porridge prepared locally from enriched blended food for the treatment of severe and moderate acute malnutrition. IBFAN is calling on UN bodies and policy makers to ensure that factors like robust evidence on efficacy, cost, long-term impact on nutrition, sustainability, and replacement of traditional feeding practices are considered before products are universally promoted. [11]

The Action Plan could refer to the project and short film in Cambodia funded by the EU, Food and Agriculture Organisation (FAO). The film, *Improve the food security of farming families affected by volatile food prices,* shows children in Cambodia getting healthier as parents learn how to provide nutritious meals from readily available local ingredients alone, gives a different

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[9] ***Global Strategy on Infant and Young Child Feeding*** *Para 14: Appropriate complementary feeding depends on accurate information and skilled support from the family, community and health care system. Inadequate knowledge about appropriate foods and feeding practices is often a greater determinant of malnutrition than the lack of food. Moreover, diversified approaches are required to ensure access to foods that will adequately meet energy and nutrient needs of growing children, for example use of home- and community-based technologies to enhance nutrient density, bioavailability and the micronutrient content of local foods. Para 15: Providing sound and culture-specific nutrition counselling to mothers of young children and recommending the widest possible use of indigenous foodstuffs will help ensure that local foods are prepared and fed safely in the home. The agriculture sector has a particularly important role to play in ensuring that suitable foods for use in complementary feeding are produced, readily available and affordable."*

[10] *"Current evidence is limited and, therefore, we cannot conclude that there is a difference between RUTF and flour porridge as home treatment for severely malnourished children, or between RUTF given in different daily amounts or with different ingredients. Either RUTF or standard diet such as flour porridge can be used to treat severely malnourished children at home.*" Schoonees A, et al. *Ready-to-use therapeutic food for home-based treatment of severe acute malnutrition in children from six months to five years of age*. **Cochrane Database of Systematic Reviews 2013,** Issue 6.; Lazzerini M, Rubert L, Pani P. *Specially formulated foods for treating children with moderate acute malnutrition in low- and middle-income countries*. **Cochrane Database of Systematic Reviews 2013,** Issue 6.

[11] *IBFAN Cochrane Review on Commercial Ready-to-use Therapeutic Foods* http://ibfan.org/ips/IBFAN-calls-for-a-review-of-UN-September-2013.pdf

message to those suggesting that all babies need micronutrient supplements. [12] As mentioned above, in the interests of protecting the world's most vulnerable citizens and their families, policies must be formed by those who have no financial interest in the outcome and decisions based on evidence that is as free as possible of conflicts of interest.

5 Trade, Agriculture and food security.

IBFAN appreciates that the Action Plan identifies the need to support smallholder agriculture and the development of home gardens and more productive homestead food production systems to increase the production and consumption of fruits and vegetables. However, once more, all these proposals risk being undermined if the Action Plan encourages too close involvement and influence of transnational corporations.
IBFAN follows the discussions in Codex Alimentarius on the marketing of products for infants and young children, and see the inordinate power of the producer countries and food industries, who seek to create markets for all manner of unnecessary and harmful foods for babies, often exploiting the notion that these foods will prevent malnutrition. The EU has a responsibility to respect the call from African nations to refrain from forcing products that are not wanted on the developing world.

On the eve of the 2013 WTO meeting in Bali, Olivier De Schutter, Special Rapporteur on the Right to Food said: "*Trade rules must be shaped around the food security policies that developing countries need, rather than policies having to tiptoe around WTO rules….Supporting local food production is the first building block on the road to realizing the right to food, and trade must complement local production, not justify its abandonment.*"

See overleaf for summary of IBFAN RECOMMENDATIONS

[12] *Improve the food security of farming families affected by volatile food prices*. www.youtube.com/watch?v=0rUX6F7ieVY

IBFAN's recommendations:

1. As a sponsor of SUN and a member of its Lead Group, the EU Commission must uphold the decisions of the World Health Assembly – and in particular the WHA 63.23, ensuring that SUN puts in place a strong due diligence conflict of interest process, and not only for countries that join, but for the SUN Secretariat and the SUN Lead Group alike.
2. The EU must ensure that its own policy and program setting is free from influence and dominance by those who stand to gain financially from decisions. *"The Business of Malnutrition"* must not be an opportunity for businesses to promote their existing businesses and exploit the most vulnerable under the cover of philanthropy. The EU must not promote Public Private Partnerships.
3. The EU must bring its policies on infant and young child feeding in line with the *Global Strategy on Infant and Young Child feeding*, the *International Code of Marketing of Breast-milk Substitutes* and subsequent relevant Resolutions of the World Health Assembly, or at the very least not prevent Member States from doing so.
4. The EU must require that all products exported from the EU conform to these requirements.
5. The EU must establish independent monitoring procedures and accountability procedures that facilitate reporting of violations both within the EU and from third countries.
6. The EU must encourage diversity of views and experience, and consequently should not channels development funds through SUN. The EU must provide a coordinating role so that funds and support can be channeled fairly.
7. The ACTION PLAN should call for maternity protection laws and benefits (rather than measures) that cover not only the public sector, but the private and informal sector.
8. The EU must ensure that there is no undue emphasis on product-based fortified foods and supplements in programs that address child malnutrition and survival and that fortified foods should not be introduced onto unregulated markets. The EU should discourage incentives such as tax breaks for these products.
9. The EU must instead protect traditional food cultures, sustainable development and ecosystems through people-centred community-based approaches to food and nutrition, small-holder farmers, fisher folk, pastoralists and foresters. Equity issues and the poorest of the poor must be considered a priority.
10. The EU must ensure that food industries that market feeding products for infants and young children are not permitted to take part in nutrition education or counseling of parents and carers. This is a clear conflict of interest and not permitted by several WHA Resolutions. Education is not the food industry's area of expertise or responsibility and their messaging will always, at some level, be compromised and biased.
11. The EU must ensure that inter-governmental standard-setting fora, such as Codex Alimentarius and free trade agreements support rather than block the implementation of WHA Resolutions and measures that protect health. The EU should desist from signing multilateral or bilateral agreements that undermine the sovereign right of developing countries to control imports to protect food and nutrition security.
12. The EU should exercise caution and wait for a decision from Codex before any *'roll out of biofortified crops….'*
13. ILO convention 183 and ILO recommendation191 should used as positive role models to be implemented in all EU Member states. All governments receiving EU funds should be encouraged to ratify and implement them.

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