

# PRESS RELEASE



## Nestlé violates UN resolutions with Swiss launch of BabyNes

25th May 2011

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Baby Milk Action is a non-profit organisation which aims to save lives and protect infant and young child health through independent controls on babyfood marketing.

We are a member of the International Baby Food Action Network (IBFAN), a network of over 200 citizens groups in more than 100 countries.

[www.babymilkaction.org](http://www.babymilkaction.org) [www.ibfan.org](http://www.ibfan.org)

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Nestlé is embarking on a new violation of World Health Assembly marketing requirements for breastmilk substitutes after refusing earlier this month to stop the vast majority of violations in the latest global monitoring report, presented in Geneva.

Nestlé is press releasing and publicising the BabyNes system in an idealising and misleading way, describing it as: *“The first comprehensive nutrition system for babies”* - a role which has been carried out by mothers far more safely and effectively since the human race began. The World Health Organisation recommends exclusive breastfeeding for the first 6 months of life, followed by continued breastfeeding into the second year of life alongside complementary food.

The new product clearly aims to increase Nestlé’s profits from products which already have one of the highest markups on the supermarket shelves.

Nestlé says the *‘state-of-the-art technology’* is based on its Nespresso coffee machine, stressing its convenience and safety but playing down the inherent risks which relate not only to the shortcomings in the formula itself, but to the water, the bottles, teats and to the many problems caused by not breastfeeding. <sup>(1)</sup> The system does not follow WHO guidance (right) which requires all water - even bottled water - to be boiled before being added to powdered infant formula at no less than 70 degrees C. This important decontamination step is needed because powdered formulas may be intrinsically contaminated with harmful pathogens, such as *Enterobacter sakazakii* <sup>2</sup> or *Salmonella enterica serotype agona*.

Such a complicated system - like the Nespresso machine - seems also to need a 24-hour after sales service - assuring Nestlé contact with mothers - something that is totally forbidden by the World Health Assembly requirements which also warn that infant feeding information should be free from conflicts of interest. <sup>3</sup>

The International Code of Marketing of Breastmilk Substitutes and subsequent, relevant Resolutions of the World Health Assembly forbid the promotion of all breastmilk substitutes including formulas, feeding bottles and teats in ALL countries. A fact that Nestlé and all the baby food companies ignore, abiding by the rules only when forced to do so by national legislation or when publicly exposed.

This week, **Save the Children Australia, Oxfam, Care** and 13 other Aid agencies working in Laos wrote a letter to Nestlé, about the company’s continued marketing of formula which *“still jeopardizes the health of infants and children in Laos.”*

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Patti Rundall, OBE, Policy Director of Baby Milk Action, says: *“If this new very expensive and environmentally wasteful system was an important advance in consumer safety - Nestlé should provide health workers with scientific and factual information which would enable them to properly evaluate its benefits or risks. Instead Nestlé promotes it on press releases, on its website and on Facebook so that it is picked up worldwide, claiming it provides the “utmost safety and convenience and is the first comprehensive nutrition system for babies” - a role which has been carried out by mothers far more safely and effectively since the human race began. It would have far more impact on the health of babies - including those fed on formula - if Nestlé stopped using promotional claims and brought its product labels into line with WHO requirements. This means warnings and instructions that alert parents to the many inherent risks of artificial feeding - including pointing out that powdered formula is not a sterile product that may contain bacteria. If there is powder in the capsule then it must be added to water at 70degrees so how can this be done and cooled in one minute?”*

IBFAN’s monitoring shows that Nestlé continues to systematically violate the UN requirements all over the world unless there are laws in place to stop it. In response to the latest report, launched earlier this month, Nestlé said it would stop only 4 of the highlighted examples (and only then after supporters of the Nestlé boycott had sent it thousands of emails), clearly indicating that it is intending to continue with 97% of the rest.

The latest **State of the Code** chart from IBFAN shows 67 countries have introduced legislation, but where this is lacking or ineffective companies should still abide by the Code. This promotion is clearly illegal in countries such as India which has fully implemented the Code and where a leading bottle and teat company has already been taken to court for press releasing information about its own ‘innovative’ feeding bottle and later pulled out of the market.

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## Notes:

**User Manual for NesBaby:** [https://www.babyne.ch/Documents/PDF/Babyne-ANS\\_UserManual\\_V0-0-1\\_050411.pdf](https://www.babyne.ch/Documents/PDF/Babyne-ANS_UserManual_V0-0-1_050411.pdf)

**Baby Nes Advert (French)** [http://www.youtube.com/watch?v=IcIvZky53jA&feature=player\\_embedded](http://www.youtube.com/watch?v=IcIvZky53jA&feature=player_embedded)

1 *Risks of Formula feeding - a Brief Annotated Bibliography* by INFACCT CANADA *Scientific Evidence of the Risks of not being breastfed.* [www.babymilkaction.org/shop/publications01.html#risks](http://www.babymilkaction.org/shop/publications01.html#risks)

2 Such contamination is intrinsic to the powdered formulas and was found in 14% of tins of formula in a study cited by the US Food and Drugs Administration. Nestlé is well aware of such risks as it had to recall tins of formula across Europe in 2002 following the death of a child attributed to such contamination. This was one of the deaths that led to the WHO guidance available at: [www.who.int/foodsafety/publications/micro/pif2007/en/index.html](http://www.who.int/foodsafety/publications/micro/pif2007/en/index.html) Two consecutive large outbreaks of Salmonella enterica serotype agona infections in infants linked to the consumption of powdered infant formula. Brouard et al, The Pediatric infectious disease journal 2007, vol. 26, no2, pp. 148-152 [5 page(s) (article)] (26 ref.) This French study states that: *“Powdered infant formulas are not sterile products and may contain low levels of Salmonella. Routine biological controls are insufficient to detect a low grade of contamination, which may cause serious illness and outbreaks among infants”* <http://cat.inist.fr/?aModele=afficheN&cpsidt=18488325>

3 **Article 5.5 of the International Code of Marketing of Breast-milk Substitutes** states: “Marketing personnel, in their business capacity, should not seek direct or indirect contact of any kind with pregnant women or with mothers of infants and young children.”

**World Health Assembly Resolution WHA 49.15 1996** urges Member States to ensure that: “financial support for professionals working in infant and young child health does not create conflicts of interest.”

**World Health Assembly Resolution WHA58.32 2005** urges Member States: 1.4 *“to 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”.*

**Para 1.3 of WHA58.32** also urges Member States: *“to ensure that clinicians and other health-care personnel, community health workers and families, parents and other caregivers, particularly of infants at high risk, are provided with enough information and training by health-care providers, in a timely manner on the preparation, use and handling of powdered infant formula in order to minimize health hazards; are informed that powdered infant formula may contain pathogenic microorganisms and must be prepared and used appropriately; and, where applicable, that this information is conveyed through an explicit warning on packaging;*

**Nestlé and FTSE4Good:** In response to Nutraingredients, Nestlé stated: *“We have the industry’s toughest system in place to enforce WHO Code compliance. Indeed, we are the only infant formula manufacturer listed by FTSE4Good, the London Stock Exchange’s Ethical Index.”* This misrepresents Nestlé being listed by FTSE4Good as there is no requirement that companies comply with the Code to be listed, they have only to present their policy statements and management systems. FTSE has yet to evaluate Nestlé’s actual practices on the ground. IBFAN’s comparison of company practices given in the State of the Code by Company charts show Nestlé to violate more provisions of the Code and Resolutions than other companies. See: <http://info.babymilkaction.org/pressrelease/pressrelease21mar11>