



PRESS RELEASE

Ed Milliband grapples with unethical business - EU Commission puts corporate profits before health

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On Monday 3rd October the European Council will discuss the revision of a set of rules (1) which for two decades has had a profound impact on the power of European Union Member States and the European Parliament to set laws on baby milks and foods. (2) Campaigners are calling for the rules to be reformed to ensure increased safety of ingredients and more transparency. However, in its advice to the Council, the European Commission has put the demands of corporations and the competitiveness of the European food industry ahead of food safety and the protection of infant health. (3) Meanwhile, during the Q&A session at Labour Party Conference in Liverpool, Patti Rundall, Policy Director of Baby Milk Action, asked Ed Milliband about his promise to do something about unethical business.

The main concern of Baby Milk Action and the 23 members of the UK Baby Feeding Law Group, is that foods for infants and young children should be independently checked and approved for safety BEFORE being placed on the market and that if an ingredient is shown to be essential and without risk it should be in all products. (4) Many parents are unaware that the current rules allow the baby food industry to add any ingredient it chooses - 'as the case may be' - backed up with only industry funded or reviewed science - effectively using the open market to trial new ingredients which are then promoted with unsubstantiated claims.

In its response to the consultation, the Royal College of Paediatrics supported the call for pre-authorization, saying *"The Committee supports.....a standard prior authorisation procedure. History has shown that consumer protection has not been strong, particularly with respect to the addition of ingredients to formula milks and follow-on milks. A prior authorisation system that provides independent analysis and review of the evidence of any benefits of new ingredients would be of considerable benefit to families purchasing these products. Ethically any new ingredient found to be beneficial can therefore be incorporated into all such feeds rather than those from a single commercial source."*

While the Commission agrees that a 'prior-authorization procedure' would ensure more harmonisation, it considers it to be "disproportionate in terms of consumers' protection and information and would be highly costly for the industry and especially for SMEs." Campaigners are calling on MEPs to step in to protect infant health, and to ensure that horizontal duty set out in the Lisbon Treaty is respected so that: "A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities."

Similar concerns about commercial influence are being raised at a global level. Over 140 non-governmental health, development and consumer protection organisations have formed the Conflict of Interest Coalition which has been calling for a Code of Conduct and Ethical Framework for interactions with the private sector to guard public health policy-making against commercial conflicts of interest. (5) In her question to Ed Milliband, Patti Rundall suggested that the Labour Party could take this forward by implementing the the new Coalition's recommendations. These suggest that while businesses can be consulted, there should be a firewall against commercial interests when health policies are set.

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In his answer, Ed Milliband avoided any discussion of infant feeding, saying: "I'm grateful to our friend who asked about baby milk because we actually met earlier in the week and I was hoping you weren't going to ask me about the details because for the exhibitors here I'd prefer you kept it more general and to be fair to you, you did. You raised a good question and it's something I've thought about in government. What is the relative access of business to the way government works and the relative access of ordinary folk to the way government works. And it's unbalanced.

Now it's hard this, because you've got to work with business in order to achieve some of your aims. And so you said I think, policy, lobbying or advice - when does it become influence - I can't remember the words you used but, that was the sort of general thrust of what you were saying. Look, I'm very happy to look at this. I mean part of the answer is more transparency. Because actually, if you know who the meetings are with - if you know when a meeting is going on then that is a good - that is a very healthy thing to do - a solution in my view."

Patti Rundall, commented: "While transparency is an essential first step - it is only part of the solution. The existing rules allow the baby food laws to be discussed in secret with no proper minutes, but the real problem is the drive to expand the market internally and through exports - a drive that is taking precedence over health concerns. If the Commission considers pre-authorisation to be a 'disproportionate burden' to industry - they are effectively saying that very young children should be forced to consume risky, unhealthy foods in order to boost the economy."

The system urgently needs reforming to ensure that the minimum standards adopted by the World Health Assembly are implemented so that ALL breastmilk substitutes are standardised to the best quality and safety, and the risks of formula feeding are reduced. The widespread advertising and ridiculous health claims are largely based on these 'optional' untested ingredients, which mislead parents and undermine breastfeeding and infant and young child health. (6)

END

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Notes:

- 1 The set of rules are contained in Directive 2009/39/EC - the so-called "Framework Directive on dietetic foods" called PARNUTs adopted in 1989.
- 2 The Directives which relate to foods for infants and young children covered by PARNUTs are: Commission Directive 2006/141/EC on infant formulae and follow-on formulae; Council Directive 92/52/EEC on infant formulae and follow-on formulae intended for export to third countries; Commission Directive 2006/125/EC on processed cereal-based foods and baby foods for infants and young children; Commission Directive 1999/21/EC on dietary foods for special medical purposes; Commission Regulation (EC) No 953/2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses.
- 3 The rationale for refusing pre-authorisation is contained in the European Commission's Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on food intended for infants and young children and on food for special medical purposes. (presented by the Commission pursuant to Article 114 of the Treaty on the Functioning of the European Union) Brussels, 20.6.2011 COM(2011) 353 final 2011/0156 (COD) <http://www.europarl.europa.eu/oeil/file.jsp?id=5924752>
- 4 The proposals for reform recommended by Baby Milk Action, the Baby Feeding Law Group and the International Baby Food Action Network are here. http://info.babymilkaction.org/sites/info.babymilkaction.org/files/BMA_BFLG_IBFAN_PARNUTs_Response_.doc
- 5 The Conflict of Interest Coalition's Statement of Concern can be found here: <http://info.babymilkaction.org/news/policyblog/COIstatement>
- 6 The National Institute for Clinical Excellence found - a modest increase in breastfeeding rates would bring substantial savings. For example: about 17,000 cases of otitis media would be avoided - saving £509,000. almost 3900 cases of gastroenteritis would be avoided - saving of £2.6 million over 1500 cases of asthma would be avoided - saving of £2.6 million.

The UK Government's Scientific Advisory Committee on Nutrition stated in 2007: "If an ingredient is unequivocally beneficial as demonstrated by independent review of scientific data it would be unethical to withhold it for commercial reasons. Rather it should be made a required ingredient of infant formula in order to reduce existing risks associated with artificial feeding. To do otherwise is not in the best interests of children, and fails to recognise the crucial distinction between these products and other foods."