

EU Member States take the driver's seat on public health policies. Nestlé violates EU rules on school sponsorship

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As EU Member States prepare to launch a new *EU Action Plan on Childhood Obesity* on 26th February, Nestlé has admitted to violating EU Commission rules regarding its sponsorship of activities in schools.

An outline of the EU Action Plan was presented by **Ursula O'Dwyer**, of the Irish Department of Health, at meeting of the European Commission's *Platform for Action on Diet, Physical Activity and Health* on 6th February. Despite calls from the food and advertising industry to be involved in its development - on the basis that they know better than most about the 'realities' - **John Ryan**, speaking for the European Commission, explained Member States' emphasis that they be the '*executors of the process*' and in the '*drivers seat*'. He also said that the Action Plan implements an EU Nutrition Strategy on which there had already been full consultation and that '*stakeholder consultations*' can only go 'so far.'ⁱ

The eight actions in the Plan, given the green light by Member States as 'doable' by 2020, include the protection and support of breastfeeding, "tougher rules on marketing to children (defined by the Action Plan as 0-19 years), and a '*no sponsorship rule*' that aims to ensure that schools are '*protected environments*'.

The EU Platform has been an ongoing initiative of the EU Commission since 2005 with the aim of tackling the obesity, heart disease and diabetes epidemic - chronic diseases that are strongly linked to the marketing of unhealthy processed foods. EU's major processed food and advertising industries and Non-Governmental Organisations (NGOs) in Europe are members and up until now, have been allowed to propose any voluntary 'commitments' they wish in order to tackle the problem, all of which - by default - carry the apparent endorsement of the European Commission and all Platform members – much to NGO concern.

The **International Baby Food Action Network** (IBFAN) decided to join the Platform in 2007 to monitor its effectiveness and speak out about its risks, aware that companies were using it as a public relations cover for continued irresponsible action and promoting it as a model globally. IBFAN has been calling on the EU Commission and EU Member States to act in the public interest and take much greater control of the process, which after eight years of operation, has failed to effectively curb the food industry's promotion of unhealthy foods.

At the 6th February meeting Nestlé made presentations promoting its nutrition education commitment called *Epoche*. It presented its *Thao* project in Spain that is also sponsored by Ferrero and Orangina Schweppes.ⁱⁱⁱ Nestlé admitted that a key purpose of these programs was reputation and that while it does not use 'product branding,' company name branding was a critical element to allow the company to "*legitimately communicate its social responsible intentions to adults.*"^{iv}

The European Commission confirmed that Platform commitments should not be branded either with product names or with the company brand name. The only permissible promotion was in Corporate Social Responsibility (CSR) reports. IBFAN repeated its long-standing concerns, shared by many, if not all, the public interest NGO members, about the corporate sponsorship of education, not least its blurring of the boundaries between education and marketing. It sends a confusing message to children, diverting attention away from continued irresponsible marketing activities.^{iv}

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Martin Schmalzried of the NGO, Confederation of Family Organisations in the European Union (COFACE), then said that Nestlé was not following the Platform rules and that the [Thao YouTube](#) and Facebook pages^v showed posters, banners and T-Shirts all carrying the industry partners branding.

Patti Rundall, Co-Chair of IBFAN's Global Council, said: "We know well how the food industry tries to influence health policies, so it was a relief that the Member States, supported by the Commission, are insisting on staying in the drivers seat as they seek to protect the health of their populations. If we are to have any chance of effective health policies they have to."

The discussion showed the risks of multi-stakeholder consultations and how carefully industry statements need to be scrutinized. By focusing attention on how much they care about health, companies hope that policy makers will trust what they say, rely on them to fund core activities that should be the responsibility of the State, and then go easy on marketing regulations.

So this is a critical moment for the Platform and for EU Member States. If there is political will to make some real changes, some positive results may still happen. Meanwhile the food industry must acknowledge the harm they do to health and respect the democratic process and the many international recommendations that they consistently flout."

Speaking after the meeting, Dr Randy Rzewnicki, Project Manager for the European Cyclists' Federation, said: "It's not the first time that a Platform Commitment from the food industry pushed the limits beyond what's acceptable and met with outrage. Unfortunately I suspect it won't be the last."

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ⁱ Working Group members: Ireland, France, Germany, Cyprus, Finland, Hungary, Greece, Slovenia, Switzerland, Netherlands and, Belgium.

ⁱⁱ Action 1 to support a healthy start: Increase the breastfeeding rates; Promote timely introduction of complementary foods; Promote early childhood services and maternity care practices that empower new mothers to breastfeed.

ⁱⁱⁱ The Thao Program covers children 0-3 years so will contravene World Health Assembly recommendations on infant and young child feeding. Article 5 of the International Code 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." WHA58.32 2005 Urges Member States: "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."

^{iv} Tackling Obesity, How companies use education to build Trust.

http://info.babymilkaction.org/sites/info.babymilkaction.org/files/Schools%20Feb%202012_1.pdf

WHO Set of recommendations on the marketing of foods and non-alcoholic beverages to children **RECOMMENDATION 5** "Settings where children gather should be free from all forms of marketing of foods high in saturated fats, trans-fatty acids, free sugars, or salt. Such settings include, but are not limited to, nurseries, schools, school grounds and pre-school centres, playgrounds, family and child clinics and paediatric services and during any sporting and cultural activities that are held on these premises." Para 20. Schools, childcare and other educational establishments are privileged institutions acting in loco parentis, and nothing that occurs in them should prejudice a child's wellbeing. Therefore the nutritional well-being of children within schools should be paramount and the foundation stone for children's well-being at this formative age."

^v <http://www.youtube.com/watch?v=v=FFgSbLbcgeM&feature=c4-overview&list=UU9kha0I3kjydWGPMJxtnoPg>