

UPDATE

BABY MILK
ACTION

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Exposing and targeting violations

Tackling Conflicts of Interest at the UN

FTS4Good lowers its standards

European Parliament has chance to act



Baby Milk Action

Baby Milk Action is a non-profit organisation which aims to save infant lives and to end the avoidable suffering caused by inappropriate infant feeding. We work as part of the International Baby Food Action Network (IBFAN) to strengthen independent, transparent and effective controls on the marketing of the baby feeding industry. IBFAN has over 200 member organisations in more than 100 countries.



Baby Feeding Law Group

Baby Milk Action is the Secretariat for the **Baby Feeding Law Group** which is working to bring UK legislation into line with UN Resolutions. BFLG members include consumer and mother-support groups and professional bodies such as the **Community Practitioners and Health Visitors' Association**, the **Royal College of Midwives**, the **Royal College of Nursing**, the **Royal College of Paediatrics and Child Health**, and **UNICEF's Baby Friendly Initiative**.



International Code

We work for controls implementing the *International Code of Marketing of Breast-milk Substitutes (The International Code)*. This Code was adopted in 1981 by the World Health Assembly (WHA), the world's highest policy setting body. The *International Code* bans all promotion of breastmilk substitutes and was adopted as a 'minimum requirement' to be implemented by member states 'in its entirety'. The *International Code* and the subsequent relevant WHA Resolutions, which have clarified or extended certain provisions of the Code, must be considered together in the interpretation and translation into national measures.

Covers: An eagle-eyed pensioner at a bus stop in Cambridge spots SMA's new promotion campaign for follow-on milks and reports it to us. The ads imply that mothers will stop breastfeeding after 6 months.
Photo: Patti Rundall.

Protecting breastfeeding

There is no food more locally produced or sustainable than breastmilk. A breastfed child is less likely to suffer from gastroenteritis, respiratory and ear infections, diabetes, allergies and other illnesses. In areas with unsafe water a bottle-fed child is up to 25 times more likely to die as a result of diarrhoea. Reversing the decline in breastfeeding could save 1.5 million lives around the world every year. Breastfeeding helps fulfill the UN Millennium Development Goals and has the potential to reduce under-5 mortality by 13%. A further 6% of deaths could be saved through appropriate complementary feeding. Breastfeeding also provides health benefits to the mother, such as reduced risk of some cancers.

Protecting babies fed on formula

Breastmilk substitutes are legitimate products for when a child is not breastfed and does not have access to expressed or donor breastmilk. Companies should comply with composition and labelling requirements and other Code requirements to reduce risks - independently of government measures. Parents have a right to accurate, independent information. **Baby Milk Action is not anti-baby milk. Our work protects all mothers and infants from irresponsible marketing.**

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Update 44 was written by Mike Brady and Patti Rundall. *Update* is free to members and affiliates. It is available electronically at:

www.babymilkaction.org



Babies need you - decision makers are failing them



Mike Brady,
Campaigns
Coordinator

Both in the UK and overseas, campaigners are stopping some of baby food companies' marketing strategies. For example, **Tesco**, the UK's biggest supermarket, withdrew its "Big Price Drop" promotion on infant formula after we forwarded your evidence to Tesco and **Trading Standards**

(pg. 12). Internationally, **Danone** said it would withdraw globally the *Immunofortis* claims highlighted in *UD 43* and that it would stop 50% of the violations in the *Breaking the Rules 2010* report. But what about the other 50%? (pg. 17).

Nestlé, the biggest violator of the Code, said it would take action over just 3% of violations, once again disputing our interpretation and rejecting our four-point plan for saving infant lives and ultimately ending the boycott. (pg. 20). Nestlé has been emboldened by FTSE's decision to drop its standards for the **FTSE4Good Ethical Investment Index** to allow companies to be included even while violations continue (pg. 6-7). The United Reformed Church ended its support for the boycott as a direct result (pg. 22).

Concerted action by civil society to hold corporations to account against United Nations standards and regulations rather than against weak company codes, remains essential. Although over 60 countries have brought in legislation implementing the *International Code* and Resolutions (see left), these laws need to be defended against challenges orchestrated by the baby food industry. As the industry analysts **Euromonitor** said, "*The industry is fighting a rearguard action against regulation on a country-by-country basis.*"*

When too much attention is paid to industry's own self-regulated measures, essential regulation to protect the vulnerable gets forgotten by policy makers, the UN and NGOs alike.

At a series of international meetings on nutrition-related diseases and health inequities, we promoted a statement on conflicts of interest. This has now been endorsed by 150 global and national networks and NGOs and has given birth to a new **Conflicts of Interest Coalition** that is calling on the UN and governments to keep health policy setting free from commercial influence. (pgs. 4 & 5).

As some European Parliamentarians try to end bogus health claims and advertising of follow-on and 'toddler' formulas (pg. 13), **SMA** launches a wall to wall follow-on formula advertising campaign in the UK prompting complaints from UNICEF UK and others (see front cover). Is this to dissuade lawmakers from curbing this market, or an attempt to increase sales and share value before **SMA** is bought by either **Danone**, **Mead Johnson** or **Nestlé**? (see Page 17)



Patti Rundall,
Policy Director

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UN General Assembly tackles corporate-led diseases by snuggling up to business.

In the course of 2011 Baby Milk Action was instrumental in bringing over 150 Public Interest NGOs (PINGOs) together to call on the United Nations to stop businesses and their front organisations - Business Interest NGOs (BINGOs) - influencing and weakening health policies, an overarching issue that IBFAN has focussed on for decades at the World Health Assembly, Codex and elsewhere.

During 2011, the World Health Organisation (itself going through a major reform process) held meetings in **Moscow** and **Geneva** and, with the **United Nations**, in **New York** culminating in the **High Level Meeting of the General Assembly** and the creation of a **Political Declaration** on the Prevention and Control of Non-Communicable diseases (NCDs) - diseases such as cancer, heart and lung disease and obesity, that are largely caused, or made worse, by the marketing of foods, drinks and tobacco. These same industries were out in force at all the events under the 'Civil Society' umbrella - and hosting "Pepsi Breakfasts" and side meetings and presenting themselves as the natural 'partners' that can be trusted to help solve the NCD problem voluntarily. With so much money around and some industry-funded NGOs also promoting Public Private Partnerships (PPPs), these 'voluntary' softly-softly solutions sounded alluring to cash-strapped governments who are already facing opposition when implementing the **Framework Convention on Tobacco**. But as the massive costs for treating NCDs kick in, governments must take effective action soon.

In this context it was a challenge to get wording into the **Political Declaration** that explained the risks of partnerships with businesses that have a vested interest in the outcome and why the 'voluntary' approach could waste time, money and even make matters worse. The final text contains no explicit reference to conflicts of interest except in relation to tobacco. However, much of the problematic wording about private sector involvement in Monitoring and

The Conflict of Interest Coalition Statement endorsed by over 150 NGOs.



Patti Rundall at the UN Interactive Civil Society Hearing, 16 June 2011. *"When you have a multi-stakeholder panel, you inevitably lower your standards. I don't think we would have got anywhere with infant feeding if we had had to do that, if the UN System had to bring its standards down to meet what the industry wants."*



Conflict of Interest Coalition members at the High Level Meeting, UN General Assembly, New York, Sept, 2011. From the left: Bill Jeffrey, CSPI Canada, George Hacker Global Alcohol Policy Alliance (GAPA, USA), Øystein Bakke (GAPA, Norway) Xaviera Cabada Barrón and Alejandro Calvillo (El Poder del Consumidor, Mexico) either side of Patti Rundall (UK), Derek Rutherford (GAPA, UK).



Above: Derek Yach, speaking at the Pepsi Breakfast in the UN Dining Hall. 19th Sept 2011.



and *Evaluation* was removed, and new wording about the need to control marketing of baby foods (Para 43i) and junk foods (Para 43f) was added.

WHO gets tougher

Alongside another new coalition, **Democratising Global Health**, we used the COI Statement in follow-up discussions before and during the WHO Executive Board in January 2012. Dr Chan, WHO's Director General, is now making it much clearer that the Private Sector should *not* be present at any WHO meetings

setting '*norms and standards*'. A Draft Resolution on NCDs was adopted containing two strong references to Conflicts of Interest. In the debates about WHO Reform Member States called for WHO's independence and integrity to be protected from "*undue influence by those with vested interests*."

Breastfeeding targets

Global Targets for maternal, infant and young child nutrition will also be on the agenda of the **World Health Assembly** this year and were discussed already

in January. One target calls on governments to "*increase exclusive breastfeeding rates of infants under the age of six months to 50% at global level*." Another requests the WHO Director General to "*develop guidelines on the marketing of complementary foods*."

Picking the right partners

The Roll Back Malaria Partnership is often cited as a good model of a Public Private Partnership. But is it appropriate for the NCD problem which is largely corporate-led? Surely no-one would partner a mosquito?

Rio Declaration on health inequalities betrays the promise to '*close the gap in a generation*.'

The WHO World Conference on Social Determinants of Health issued the **Rio Declaration** on 21 October 2011. Baby Milk Action joined other civil society organisations at the meeting to call on government representatives to counter what WHO's own expert Commission called "*the toxic combination of poor social policies, unfair economic arrangements and bad politics that results in the unequal distribution of health-damaging experiences*" in its report "*Closing the Gap in a Generation*." Few of the concrete proposals from the WHO Commission made it into the official Declaration, though many were picked up in an alternative civil society declaration coordinated by the **People's Health Movement (PHM)**. Professor **David Sanders** of the University of the Western Cape and PHM received a standing ovation during the final discussion panel on the closing day of the conference after questioning why trade, climate change, the brain drain of health workers from developing countries to rich countries and other issues have been totally ignored in the official Rio Declaration. The official Rio Declaration calls for collaboration with stakeholders, including the private sector. However, after the Conflicts of Interests Coalition statement was distributed to delegates, two more references related to the need to safeguard against conflicts of interest were included in the declaration.



Regina Da Silva, Sonia de Oliveira Brady and Mike Brady with the Rio Declaration and the Conflicts of Interest Coalition statement of concern.

See the online version of Update 44 for links to the Rio and New York Political Declarations (official and civil society), the COIC Statement, webcasts, our briefing on the WHO Targets and consultations and more background information. The list of endorsers of the COIC is not closed so do invite any NGO to sign up.

**ACTION
POINT**



FTSE4Good rules change to accept code breakers

In September 2010, FTSE, the stock exchange listing company, weakened its Breastmilk Substitutes (BMS) criteria to allow companies to be included even while violating the *International Code of Marketing of Breastmilk Substitutes* and national legislation. Nestlé, was excluded under the previous criteria, but was added to the FTSE4Good Index in March 2011.

During his visit to the UK in February, IBFAN Asia's Regional Coordinator, **Dr Arun Gupta**, came with us to discuss our concerns about the FTSE process with **Mark Makepeace**, the CEO of FTSE, following earlier correspondence.

Weakening the criteria

FTSE now assesses companies against their stated policies rather than against the *International Code* and Resolutions. Nestlé considers that only 3% of the allegations in IBFAN's *Breaking the Rules, Stretching the Rules 2010* report require action, the rest it consider to be in compliance with its own policy. Page 19 has a comparison of Nestlé's policy with the *International Code*, showing 12 key differences.

In June 2011, FTSE explained why the new standards made it easier for companies to be included in the Index: *"In the infant food sector we were not able to engage the companies as they were all being excluded from the index."* However, FTSE refuses to accept that this is a weakening, and promotes its criteria as almost stronger than the Code: *"The FTSE4Good Breast Milk Substitutes marketing inclusion criteria build on the WHO Code, but in addition to criteria requiring company policies to be aligned with the WHO Code it goes further by assessing how a company implements this in practice."*

We ask: How can FTSE claim to 'build on the WHO Code' when it is not using the whole Code as a minimum?

On the advice of a commercial auditing firm and "those we are collaborating with" two countries with exemplary legislation were chosen for investigation and Nestlé was forewarned.

Mark Makepeace again explained, *"we will not be asking the assessors to act as a judge with regards to specific allegations, but rather to assess whether the companies' practices on the ground are in-line with their stated policies."*

We ask: Why is FTSE looking in the wrong places, forwarning the companies and not assessing violations?

FTSE's Conflicts of Interest

We also raised concerns that the BMS Committee advising FTSE has members with serious conflicts of interest. For example:

- The **Methodist Central Finance Board** and the **Church of England** both have financial interests in the Nestlé's business as shareholders and so profit directly from its business activities. In addition, they have faced criticism from their church members about these investments. Similarly, the **United Reformed Church Mission Committee** faced criticism from church members when it dropped its opposition to investing in Nestlé on the basis of the FTSE4Good listing. Organisations that may have an interest in having a company included in the FTSE4Good Index cannot be independent when it comes to defining the procedures for including that company.

- The Public Private Partnership, **Global Alliance for Improved Nutrition (GAIN)**, works with over 600 corporations and provides them with opportunities *"to improve corporate reputation, increase their brand equity, and increase staff motivation..."* GAIN part-funded FTSE's assessments of Nestlé in India and Zambia (right). See Page 16 for how GAIN tried to influence trade rules at Codex in order to allow promotional claims on baby foods - claims prohibited by Indian law - and funded a proposal for a bad monitoring scheme.

- In **2007 and 2008** Nestlé was a participant and the "lead sponsor" of a conference on Corporate Responsibility instruments organised *"as a joint venture between Chatham House and FTSE Group."*



Illegal sponsorship & labelling

Nestlé has been allowed by FTSE to get away with illegal sponsorship of health workers in India. In its response to FTSE, Nestlé defends the sponsorship, ignores the WHA Resolutions and the Indian Government which confirmed on the 7th March 2012 that, *"In our opinion, which has been clearly expressed in our letter dated 17 August 2010, such activities violate the Infant Milk Substitute, Feeding Bottles and Infant Foods Act 1992, and Amendment Act 2003"* Article 9.2 of the Indian Law states: *"No producer, supplier or distributor referred to in sub-section (1), shall offer or give any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, conferences, educational course, contest, fellowship, research work or sponsorship."*

Nestlé infant formula currently on sale in India with claims and other illegal



The Indian Law forbids *"pictures or other graphic material or phrases designed to increase the saleability of infant milk substitutes or infant food."* Nestlé's Nan 1 infant formula on sale now and at the time of FTSE's research, claims to support *'the immune system' 'healthy gut flora' and 'natural defences' and 'contribute to the development of brain and vision.'* Such labels are seen millions of times and hide the fact that the product will greatly increase the risk of ill health.

Misusing the FTSE4Good name

Nestlé misrepresents what inclusion in the FTSE4Good Index means. For example: Catherine O'Brien, Director of Communications, Nestlé Canada Inc. said in the *Edmonton Journal*, March 2012, *"With regard to breastfeeding, Nestlé is committed to fully complying with the World Health Organization's code of marketing of breast-milk substitutes and applying it as a*

IBFAN's recommendations to the FTSE BMS Committee:

1. Reconsider the decision on Nestlé on the basis of the evidence provided and Nestlé's inadequate response.
2. Review the criteria for membership to ensure that all members are free from conflicts of interest in relation to infant and young child feeding.
3. Review the assessment process to ensure that companies systematically violating the *International Code* and Resolutions cannot be listed.
4. Ask UNICEF HQ's opinion on: the new FTSE criteria; whether GAIN should be excluded from defining the procedures for including companies in the index
5. Clarify the role of UNICEF UK and the appropriate use of the name UNICEF.
6. Make the Assessment Report public.
7. In the meantime, make a clear statement that under the current criteria companies that systematically violate the Code and Resolutions can be included in the FTSE4Good Index.

minimum standard in the countries defined by UNICEF with high child mortality and malnutrition rates. We have been independently recognized as having the industry's toughest system to enforce the WHO code, and in March 2011 we were the first infant formula manufacturer to be included in the FTSE4Good index, which measures the performance of companies that meet globally recognized corporate responsibility standards."

In March 2011 UNICEF UK said: *"The evidence available to us suggests that all breastmilk substitute manufacturers currently violate the International Code routinely. We are therefore following the inclusion of Nestle on the index carefully and will be looking for evidence that their marketing begins to comply with the Code."* In April, a UNICEF HQ told Dairyreporter *"I can confirm that Nestle violates the code."* (See Page 17 for Nestlé AGM.)



The United Nations corporate responsibility scheme fails the integrity test - no action taken over “patron sponsor” Nestlé

The United Nations Global Compact (UNGC) is a voluntary initiative that is supposed to improve the behaviour of companies that sign up to it. However, more than two years after Baby Milk Action registered complaints that Nestlé is systematically breaking its commitments to the UNGC Principles, the UN Global Compact Office (GCO) has still to take the action called for under so-called *Integrity Measures*, stressing that its role is to “*promote dialogue*”.

We are not alone in our concerns about the UNGC. In 2010, the UN’s Joint Inspection Unit found serious failings when it carried out an evaluation of the GCO. The GCO rejected the report as flawed. (see box on page 9.)

Having copied the GCO into our ongoing correspondence with Nestlé for over two years, we asked the GCO to take other action called for in the *Integrity Measures*, which state:

“The Global Compact Office would be available to provide guidance and assistance, as necessary and appropriate, to the participating company concerned, in taking actions to remedy the situation that is the subject matter of the allegation in order to align the actions of the company with its commitments to the Global Compact principles.”

The GCO responded saying that it can ONLY “*facilitate adherence to the principles of the Global Compact through openness and enhanced communication.*” (ie forward our letters to Nestlé onto Nestlé a second time.) That is all. However, the *Integrity Measures* allow it to do much more: “*The Global Compact Office may, in its sole discretion, take one or more of the following steps, as appropriate... Refer the matter to one or more of the UN entities that are the guardians of the Global Compact principles for advice, assistance or action.*”

[See online version for links](#)



Nestlé disputes interpretation of the UN Resolutions and as the GCO says it is not qualified to evaluate Nestlé’s comments or its reports posted on the GCO site - it should consult UN legal experts - but will not do so.

The *Integrity Measures* call for a review which can lead to the company being excluded from the initiative if dialogue does not resolve the issue.

Pressed on why it will not conduct this review, the GCO responded to Baby Milk Action, “As you well know, the Global Compact Office is not an adjudicatory body.” We asked the GCO to clarify why it was not taking the actions set out in the *Integrity Measures* - and it responded, “we do not plan to provide a point-by-point response.” We have sent our list of questions of the UN Secretary General asking for assistance (we asked the GCO to pass our letter to its Board through its usual channels, but it refused to do so).

The GCO has told us in previous correspondence that not a single company has been excluded from the Global Compact following a complaint by a civil society organisation under the *Integrity Measures*.

Conflicts of interest - follow the money

Nestlé was one of three patron sponsors listed on the title page for the UN Global Compact Leaders Summit in New York in 2010.



Our concerns about the Global Compact grew in 2011 when **Save the Children** and **UNICEF** joined forces with the GCO on a new **Children's Rights and Business Principles Initiative (CRBPI)**. The CRBPI aimed to a framework for business actions wherever they affect children's rights in the workplace, marketplace, community and environment.

While welcoming these aims, we feared that the fundamental flaws in the draft CRBP proposals would actually do more harm than good - providing businesses with yet another opportunity to simply look good while continuing practices that threaten child survival and health. Along with other NGOs, we called on Save the Children and UNICEF to: disengage from the UNGC; integrate strong accountability measures (including independent monitoring of marketing and other business practices) and to focus on business's obligation to respect child rights and governments' obligations to regulate them.

We also feared that the CRBPI focus on partnerships and self-monitored legally non-binding commitments as the "unifying framework for existing and future initiatives" pre-empted the forthcoming **General Comment on Business and Children's Rights** by the Committee on the Rights of the Child, which is in consultation now. The final comment is due in 2013 and will focus

on State Parties' obligations - as the duty bearers of children's rights - to protect, respect and fulfill children's rights and to regulate the impact of business on children. The primary obligation of private actors is to **respect** these rights - not to co-opt governments' responsibilities.

We attended the launch of the final Business Principles in **March 2012** and were relieved that although not all our concerns were addressed, the Principles were much improved. Business's were called on to: *'Not undermine government efforts to protect and fulfill children's rights'* including using taxation to generate the revenues needed.

The weak draft wording to: **"Use marketing and advertising that advances children's rights"** was changed and now calls on business to **ensure "that communications and marketing do not have an adverse impact on children's rights" and to "comply[ing] with the standards of business conduct in World Health Assembly instruments related to marketing and health in all countries"** (specifically mentioning the *International Code* and subsequent relevant WHA Resolutions and the *WHO Recommendations on the Marketing of Foods and Non-alcoholic Beverages to Children*).

See: <http://info.babymilkaction.org/CHILDRENandBusiness>

Summary of the main findings of the UN's Joint Inspection Unit:

- The GCO has no clear mandate and lacks a long term strategy and clear targets. There are no clear entry criteria and no screening of members.
- There is a lack of transparency and effective monitoring system. The reporting mechanism consists in a self-assessment exercise that fails to provide effective monitoring or verification of the principles.
- The GC has drawn reputational risks for the UN organizations involved in it because of the risks associated with the use of the UN brand by companies who do not have to prove conformity with UN core values.
- The Inspectors recommend that Member States should be involved and that the UN General Assembly needs to guide the Secretary General in better delineating a clear mandate for the GCO, *"so as to prevent a situation whereby external actors may divert attention from agreed strategic goals to promote interests that may damage the reputation of the United Nations"*.
- *"The Secretary-General, in his capacity as Chairman of the Global Compact Board, should submit to the consideration of the Board concrete measures to reinforce accountability in the implementation of the Integrity Measures, including (a) closer scrutiny of [company reports] by local networks and civil society... (d) more proactive and transparent handling of complaints."*

The Role and Functioning of the Global Compact:

http://www.unjui.org/data/reports/2010/IIU.REP.2010.9_For%20Printing_17%20January%202011.pdf



Julie Crawford Award goes to IFIT health visitors

The Julie Crawford Award for Breastfeeding Support for 2011 was won by 6 health visitor representatives on the Infant Feeding Information Team of Blackpool and North Lancashire (IFIT).

Left to right: Sarah Saunby (one of the Julie Crawford Award judges), Julie Carter Lindsay (Blackpool), Jo Dobson (Fylde), the late William Bingley (Chair of NHS North Lancashire), Kathleen Freear (Lancaster), Sue Anslow (Wyre) and Nicola Kemp (Wyre). Inset: Sam Whittle (Lancaster).

One of the judges, Obi Amadi, Lead Professional Officer, UNITE/CPHVA, said:



I am delighted to see how the winning health visitor representatives have been key to IFIT's success, helping create a fantastic model that I hope will be picked up by other regions throughout the UK. The team has shaped IFIT's agenda and improved communication. In just four years IFIT has markedly reduced reliance on information from baby milk companies. IFIT has also done so much to ensure that good quality generic information about formula feeding is "out there."

- The Julie Crawford Award for Breastfeeding Support is an award given by the BFLG to Health Visitors and Health Visitor Teams who have made a significant contribution to the protection of breastfeeding and who facilitate universal access to support that is free from commercial influence. The Award was set up in memory of Julie Crawford, a health visitor and a former Director of Baby Milk Action who died from a rare disease, at the age of 42 in November 2001.

Hot Milk - critical analysis of company research reveals unwarranted claims

IFIT produces a bulletin on infant feeding for health workers called *Hot Milk*. IFIT also features alongside other experts in the educational DVD, *Infant Formula Explained*, produced by Baby Milk Action on behalf of the Baby Feeding Law Group (BFLG) (page 11). The November 2011 *Hot Milk* reports:

We have repeatedly requested evidence supporting all new formula developments to be sent in advance of IFIT meetings, and it is only recently that this has started to happen...

*Most studies claim only to show that there **may** be some benefit, but basic analysis of research protocols often shows that even that claim is unwarranted on the evidence. One even admitted that a product **may** have "decreased benefit" (i.e. risk of harm) for some babies. Formula studies supplied have included babies who have been initially breastfed for varying, sometimes undisclosed, periods, yet the formula is being marketed as safe for all babies from birth, despite the importance of initial gut colonisation.*

*This explains why IFIT has not simply passed on company claims in *Hot Milk*, and so lent our credibility to company marketing efforts. One company has expressed frustration that IFIT has not*



New site makes it easier to report baby food companies

The screenshot shows the homepage of the Baby Feeding Law Group (BFLG) website. The URL in the browser is [www.babyfeedinglawgroup.org.uk](http://www.babyfeedinglawgroup.org.uk/reports/reports12.PDF). The website has a blue header with the BFLG logo and navigation links: HOME, BABY FEEDING, THE LAW, THE LITIGATION. A search bar is located in the top right corner. On the left side, there is a 'Section menu' with links to 'New to BFLG', 'About BFLG', 'Monitoring reports', 'Campaigns', and 'Contact Us'. Below this is a 'Monitoring menu' with a link to 'Monitoring reports'. A 'Share on Facebook' button is also present. In the center, there is a featured article titled 'TESCO: Infant formula discounts backed by in-store promotions'. To the right of the article, there is a 'Highlighted action - ePetition campaign' section with a 'Reports' button. Below the article, there is a 'Download BFLG leaflet' button. At the bottom left, there is a link to 'Infant Formula Explained DVD clips and ordering information'. At the bottom right, there is a 'Register and log in to retrieve violation reports you have submitted' button. A 'Find info. on the law, marketing requirements and policy' button is also present.

www.babyfeedinglawgroup.org.uk

site search engine

Section menu

Monitoring menu

Share on Facebook

Download BFLG leaflet

Infant Formula Explained DVD clips and ordering information

Highlighted action - ePetition campaign

Sub-section menu

Register and log in to retrieve violation reports you have submitted

Find info. on the law, marketing requirements and policy

Monitoring section: use the online forms to submit cases of aggressive baby food and feeding bottle and teat marketing. With the new site, you can attach the images to your report. Register with the site and you can save, edit and retrieve your reports. Baby Milk Action will review reports and add them to the monitoring reports section. The report shown is for Tesco's Price Drop on infant formula, reported to Tesco and Trading Standards - Tesco promised to pull the promotion (see page 11)



Monitoring project stops illegal Tesco promotion

Baby Milk Action began to receive reports of a Tesco "Big Price Drop" promotion on infant formula at the end of September and posted a report on the new BFLG website (see left). We also contacted Tesco and Trading Standards.

Tesco contacted us a few days later (3 October):

"The Baby Milk lines were accidentally included in a list of price drop lines. This was identified on Saturday by the business ahead of the campaign launching on Monday.... There is currently no red or yellow price reduction point of sale or any "Big Price Drop" point of sale either on line or in store and we are confident all the due diligence measures have been issued to stores to prevent this."

All well and good - except further reports of the "Big Price Drop" point-of-sale promotional materials continued to come in until 20 October.

Despite this Trading Standards seem to be satisfied with Tesco simply apologising for what is criminal activity: a violation of the *Infant Formula and Follow-on Formula Regulations*.

This is not the first time Tesco has apologised for breaking the law. In 2009 it illegally advertised SMA infant formula on its website with club card points and in its catalogue, where it promoted the formula as having "the healthiest nutrients". Again, it claimed this to be an inadvertent mistake. In 2005 it admitted that in-store promotional staff refer to infant formula, again prohibited by law.

If Trading Standards took retailers to court for breaking the law - particularly for repeat offenses - and courts levied the applicable fines of thousands of pounds per incident then perhaps they would learn to stop making "mistakes" and save the rest of us time and money reporting them.

Infant Formula Explained films provide independent information

Baby Milk Action produced the DVD *Infant Formula Explained* with MarkIt TV on behalf of the Baby Feeding Law Group. The main 25-minute programme features experts explaining about formula to give health workers the information and the confidence they need to answer questions from parents and carers.

A shorter 7-minute programme is for use with carers and parents who have decided to formula feed (and health workers with less time available). There is also a 10-minute film on how to make up powdered formula in line with World Health Organisation guidance to reduce the risks from possible contamination with harmful bacteria (you can watch an extract online).



The DVD is suitable for use in UNICEF Baby Friendly Initiative accredited hospitals and is purchased with a public-performance licence allowing it to be used with groups of health workers and for health workers to use with parents and carers who have decided to use formula.

The DVD has already been purchased for use by individuals, hospitals, PCTs and universities. Although some of the information is UK specific, it has also been purchased for use in other parts of the world, including North America, Australia and Hong Kong.



European MEPs campaign to stop claims and formula ads



BOGUS HEALTH CLAIMS

Our campaign to stop promotional claims on foods for infants and young children came to a head in March 2011 with a vote in the EU Parliament. 328 MEPs from all parties (a majority) tried to stop the following claim appearing on follow-on formulas: *"DHA intake contributes to the normal visual development of infants up to 12 months of age."* However, because 57 MEPs were not present, an absolute majority was not reached so the claim could not be stopped.

Glenis Willmott MEP, who led the challenge said: *"Today a majority of this parliament voted against this health claim. Clearly it is a disappointment not to get the number of votes we needed, but this result still sends a strong message that there is deep unease about health claims of this sort."*

UNICEF & Save the Children joined the many NGOs and researchers around the world who opposed the claim. The World Health Organisation clarified its position about DHA: *"WHO does not have a recommendation about the addition of docosahexaenoic acid (DHA) to formula milk.....to date no solid evidence exists to be able to say that adding DHA to infant formula will have important clinical benefits. Were WHO to give such a recommendation, it would have to follow a strict guideline development process based on grading of all available evidence collected through systematic reviews by expert panels free from conflict of interest."*

CONFLICTS OF INTEREST & SCIENCE

The DHA debate helped MEPs understand our concerns about the scientific evidence used in the authorisation of claims and our worries about the **European Food Safety Authority (EFSA)**, the **European Commission** and the lack of transparency in EU policy formation generally. Not only did members of the EFSA Working Group evaluating the claim have unacceptable conflicts of interest, but EFSA admitted that it could not have reached its conclusion *"without considering the studies claimed by the applicant as proprietary."* No wonder when no consistent, independent and systematically-reviewed evidence of a causal relationship for DHA fortified formulas exists.

EFSA has since carried out a review of its policy on conflicts of interest and the new rules address many of our concerns. However EFSA's role, its Management Board (one of whom has worked for the **Danone Institute** for 10 years) and the claims approval process are embedded in a complex mix of EU regulations geared to promoting EU trade and tricky to fix. <http://info.babymilkaction.org/EFSA>

A CHANCE TO CHANGE THE RULES

A Framework Directive called PARNUTs that has governed baby food policy making for two decades will soon be replaced by a new Regulation which will abolish the concept of 'Dietetic Foods'. With MEPs we are calling for more transparency, accountability and protection of child health. The call from Green MEP Carl Schlytter that: *"Advertising of infant formulae, follow-on formulae and of any other kind of food intended for infants or young children shall be prohibited...."* did not get through, but MEPs are still hoping to extend the controls on infant formula advertising to follow-on formulas and to allow Member States to restrict or prohibit all advertising.



Discussions are continuing with a Plenary vote expected in Strasbourg in April. Do check this weblink to see how you can help.
<http://info.babymilkaction.org/parnuts>



Creating new markets: 'Growing up' and 'Toddler' milks

As more countries are clamping down on follow-on milk advertising, companies are building new markets for formulas for 1-5 year-olds. EU policy makers are in a quandry - aware that this is a marketing scam and that there is no evidence that fortified formulas for older babies are needed, but unable or perhaps unwilling to ban them. Young children need to eat real foods ideally alongside continued breastfeeding. Infant formula can go on being used after 6 months. The new formulas invariably share brands and logos with infant formulas, so promote the whole range. They are also expensive and with high levels of sugar, increase the risk of obesity. But the alluring claims trigger fears in parents that real foods miss essential nutrients.

● A report by the German Federal Institute for Risk Assessment (BfR) (16.08.2011) found that 'toddler' milk does not offer any advantage compared to reduced fat cow milk. *"From a nutritional and physiological point of view these special toddler milks are not necessary"*, says BfR President, Professor Dr. Andreas Hensel.

● A survey in 2010 by the Hong Kong Department of Health (HKSAR) found that *"children who drank more milk (mainly formula milk) than the recommended volume generally consumed smaller amounts of grains, vegetables and fruits. Use of the bottle and parents' misconceptions about the nutritional benefits of formula milk might have contributed to the high milk intake and the choice of milk."*

● Gooze *et al*, *Prolonged Bottle Use and Obesity at 5.5 Years of Age in US Children* J Pediatrics 2011, Sept; 159 (3):431-6

Did you know?

Breastfeeding in the 2nd year of life can provide 29% of energy requirements, 43% of protein, 75% of Vitamin A, 76% of Folate, 94% of Vitamin B12 and 60% of Vitamin C. Dewey. KG. *Nutrition, Growth, and Complementary Feeding of the Breastfed Infant*. Pediatric Clinics of N.American. Feb 2001;48(1).

This promotional leaflet for Nestlé's *Nan* formula range has been distributed to health facilities in Armenia – a higher risk country according to Nestlé and where it says it follows the *International Code*. The No 3 version for one-year-olds has the same name and branding as the infant formulas from birth and is advertised on a Russian TV Channel on Armenian cable. There are promotions like this and worse all over the world.



South African law - at last?

The South African Department of Health has launched a new consultation on the long-awaited and much-needed **Regulations Relating to Foodstuffs for Infants and Young Children**. Find our comments on this link before the deadline of 2nd May: <http://info.babymilkaction.org/southafrica>
www.doh.gov.za/show.php?id=3439

Prof Michael Latham dies

Prof. Michael Latham, a longtime friend of Baby Milk Action and IBFAN, one of the giants in the long struggle to protect breastfeeding from commercial misinformation, died in Boston, 1st April 2011 at 82. Michael was always focused on the latest threats to infant health and just a few months before he died co-authored a key article about the importance of breastfeeding after 6 months and the risks of reliance on fortified foods.



RUTF stuff. Can the children be saved with fortified peanut paste
World Public Health Nutrition www.wphna.org/



Dr Arun Gupta (IBFAN Asia) and Patti Rundall in New York to discuss UNICEF support for the global conference. For UNICEF, from the left: Christiane Rudert, Nutrition Specialist, Dr Nicholas Alipui, Head of Programmes and far right, David Clark, Legal Officer.



Register for this important IBFAN/WABA global conference in Delhi in December 2012. www.worldbreastfeedingconference.org.

American Academy of Pediatrics backs 6 months breastfeeding

The new American Academy of Pediatrics Policy stresses that breastfeeding is a norm and a public health issue, not a 'lifestyle' choice. "The AAP recommends exclusive breastfeeding for about 6 months, with continuation of breastfeeding for 1 year or longer as mutually desired by mother and infant, a recommendation concurred to by the WHO and the Institute of Medicine." <http://pediatrics.aappublications.org/content/early/2012/02/22/peds.2011-3552>

Abbott pays bloggers to review Similac iPhone app

Partnerships with phone companies are often cited as useful ways to disseminate health messages. But unless conflicts of interest are checked there can be risks. Abbott Ross paid mothers in the US to give positive reviews of its new iPhone Similac app: "designed to help new parents track baby's eating, sleepingtracking breastfeeding or bottle-feeding...including noting details such as which breast baby fed from last so you don't forget." Thanks to Miriam Labbock, of the Carolina Global Breastfeeding Institute for spotting this double scam.



Taking over counselling & education

Baby food companies are increasingly ignoring the section of the *International Code* which forbids them from making contact with pregnant women or mothers of young children. When Nestlé submitted a commitment to the UN's *Every Woman Every Child Initiative*, to expand "nutrition education to teenage girls in all its milk villages in India before they reach the age of marriage, so that they will have the nutritional knowledge to best feed their children when they reach childbearing age," no one noticed that this was inappropriate.



What's new? Nestlé's 'milk nurses' in South Africa in the 1950s - giving bad advice to mothers.

The majority of education commitments on the EU Commission's Platform for Action on Diet and Physical Activity are funded by the food industry. This Mars-funded *Consumer Information for the Turkish Community in Germany* implies that a Bounty chocolate bar has the same nutritional value as an apple.





The Business of malnutrition - profiting from the poor

Along with a dozen developing countries and our IBFAN partners we achieved partial success at the November meeting of **Codex** (the WHO/FAO body that sets international food standards), by stopping the use of promotional claims on labels and advertising of fortified foods for babies.

Among those calling for the claims in order to 'prevent malnutrition' were the baby food industry and the **Global Alliance for Improved Nutrition (GAIN)**, a public private partnership that works with over 600 companies, including **Danone, PepsiCo, Mars and Kraft**. Thankfully, **Brazil, Nigeria, Chile, Zimbabwe, Botswana, Gambia, Togo, Cameroon, Nicaragua, Costa Rica, South Africa and Bolivia**, backed by WHO, spoke up in favour of the WHA Resolutions that call for an end to such marketing.

The multi-billion profits to be made from exports to the developing world are tempting, especially if they can masquerade as being 'humanitarian.' But there are huge risks when the focus is on babies. Baby food promotion can undermine breastfeeding, increase family poverty and create dependence on expensive and often unnecessary products. **Malang Fofana**, the head of the **Gambian** delegation, expressed the fears of many: "Because of

the move to 'product-based' solutions, funding is already drying up for most infant and young child feeding support programs and for community-based approaches that teach and promote skills to make nutritious family foods from local indigenous ingredients. I fear that once this runaway train leaves the station there will be no stopping it."

Codex is always a tricky forum. This time 40% of the 268 delegates were from the food industry, with 59 as BINGOS and 49 on government delegations – some even heading delegations. The Mexican delegation was 100% industry and made many industry-friendly interventions, 12 of 15 on the German delegation were industry.

GAIN abandons Monitoring Protocol

A GAIN-sponsored initiative, **Access to Nutrition Index**, proposed to monitor breast milk substitutes marketing by focusing on compliance with companies' own policies and statements. Following our complaints GAIN accepted that the scheme risked being a whitewashing exercise so the idea was abandoned.

SUN worry

When fortified processed foods are promoted as the first solution to malnutrition, governments can come under pressure to enter partnerships with businesses whose interests conflict with

public health objectives. **Scaling up Nutrition (SUN)** describes itself as a 'movement' and has been promoting partnerships for the last two years in order to raise the profile of nutrition. However SUN has not yet established principles of engagement with the private sector.

Special Rapporteur on the Right to Food

In his report, **Olivier De Schutter**, the Special Rapporteur, calls on countries that are committed to 'scaling up nutrition' to "begin by regulating the marketing of commercial infant formula and other breast-milk substitutes, in accordance with WHA resolution 63.23, and by implementing the full set of WHO recommendations on the marketing of breast-milk substitutes and of foods and non-alcoholic beverages to children, in accordance with WHA resolution 63.14." GAIN is requested to "include a clear exit strategy to empower communities to feed themselves" ... "when ecosystems are able to support sustainable diets, nutrition programmes, policies and interventions supporting the use of supplements, RUTF [ready-to-use therapeutic foods], fortificants and infant formulas are inappropriate and can lead to malnutrition, and ... the marketing of these food substitutes and related products can contribute to major public health problems."



New Nestlé director admits violations that company denies

There was controversy as **Ann Veneman** UNICEF's former Executive Director was voted onto the Nestlé Board of Directors at its shareholder meeting in Lausanne, Switzerland, on 14 April 2011.

In a Reuters report the previous day a UNICEF spokeswoman said: *"Ms. Veneman left UNICEF nearly a year ago and is now a private individual. UNICEF would not presume to comment on any personal choices. I can confirm that UNICEF does not take funding from Nestlé. I can also confirm that Nestlé violates the code."*

Baby Milk Action's **Patti Randall** was prevented by Nestlé's **Janet Voûte** from speaking to Ms Veneman until after the AGM. Then, as Ms Veneman looked through the *Breaking the Rules* Report, Ms Voûte hovered around, dismissing allegations of wrong-doing, and incorrectly citing Nestlé's FTSE4Good listing as evidence of code compliance (see page 4).

Following the meeting, to the *Associated Press*, Ms Veneman *"acknowledged Nestlé isn't fully complying with a voluntary breast milk code adopted by World Health Organization"* and pledged to *"work from within to change the world's biggest food and beverage company."*

See: <http://info.babymilkaction.org/pressrelease/pressrelease13apr11>



Nestlé AGM 2012:
Above: Ann Veneman uses a pre-recorded video presentation.
Left: Patti Randall asks her not to take up the post.

Danone the new giant threat to infant health

Danone is rivalling Nestlé as a source of violations since taking over the NUMICO companies (**Nutricia**, **Milupa** and **Cow & Gate**). According to **Euromonitor** Danone controls about 15% of the global baby food market. However other reports * indicate that it plans to dramatically expand its presence. In Ireland it will treble its capacity to 100,000 tonnes annually with 98% of its output exported and commercialized in more than 60 countries worldwide. *This is truly scary. Danone is very aggressive in Asia, and gained a strong foothold in India with its purchase of **Wockhardt** baby foods. It is also infiltrating many UN and health worker bodies where it is pushing health claims and other marketing strategies behind the scenes at. (See P 16) Danone and **Mead Johnson** are competing with **Nestlé** to buy **SMA/Wyeth**, **Pfizer's** \$10 billion infant nutrition business, which has over a quarter of its sales in China. The \$6 billion chinese market is expected to double by 2016. **



However, Danone has promised to stop 50% of the violations listed in the *Breaking the Rules* report and, after the *Immunofortis* claim was deemed illegal in Europe, to stop that particular claim worldwide by the end of 2012. IBFAN has written to Danone asking it to end all claims on formulas and baby foods, for further information about the violations it claims it will stop and those it won't. As we take stock of this emerging situation a four-point plan similar to that put to Nestlé for ending the boycott has been put to Danone.

* Enterprise Ireland 4.12.10

** Nestle and Danone-Mead to battle for Pfizer unit 2.3.12. Reuters



Nestlé executives refuse to stop violations...

Nestlé has issued an analysis of its violations highlighted in the *Breaking the Rules, Stretching the Rules 2010 (BTR)* report. It dismisses all but four of the violations. A selection of Nestlé's arguments are examined here.

- Executives continue to defend promoting their formula with health claims, such as that it 'protects'. Logos with such claims have been added to labels in 120 countries it has said. Nestlé does not respond to the fact that Article 9 prohibits idealising text and logos.

- Nestlé claims that promotional materials were intended for health workers only and are "scientific and factual", whereas the evidence shows they have unsubstantiated claims and sometimes have been found distributed to pregnant women and parents.

- Nestlé claims that many products are not covered by the scope of the code, limiting its application to formulas up to 12 months only although breastfeeding is recommended into the second year of life and beyond. Products are often similarly branded so promotion of milks for older babies serves to promote the whole range.

- BTR exposes that Nestlé rents shelf space in **Vietnam** and issues instructions on how its infant formula should be displayed. A prominent display of 124 tins of formula at eye level gains the shopkeeper the greatest reward. Nestlé says it is simply paying for the shelf to be set up in "a logical and clean manner." Violation report dismissed.



...unless you support our campaigns

Above - a selection of pages from *Breaking the Rules 2010*. Nestlé said it would act on just four violations, most of which had already been targeted, including its leaflet claiming its formula is "The new 'Gold Standard' in infant nutrition". Thousands of boycott supporters targeted this violation in our 'email Nestlé' campaign from June 2010.

Nestlé says: "This concern has already been raised with Nestlé by Baby Milk Action and a response was provided." Nestlé claims "Gold Standard" was "meant to refer to the gold colour of the labels of the product" and that the leaflet was "discontinued in November 2010".

So please keep sending messages - they work!

STOP PRESS - Nestlé formally charged in India

Nestlé has been committed to trial in India by a magistrate for labelling formula in violation of the **Infant Milk Substitutes Act**, including not translating warnings into Hindi. Nestlé's lawyers have managed to delay the trial for seventeen years, but Nestlé now faces a fine or even imprisonment of the Managing Director if convicted. Although Nestlé changed those labels, its latest labels also break the law (pg. 7).



An IBFAN-ICDC report on baby food marketing practices



This page forms part of the global monitoring report – Breaking the Rules, Stretching the Rules 2010. Companies' marketing behaviour is measured against the International Code of Marketing of Breastmilk Substitutes and WHA resolutions.

ICDC has compared the Nestlé Instructions* (on implementing the Code) to the provisions of the International Code and has found a dozen ways in which the company misinterprets the Code and thus creates opportunities for continued promotion. Here's a summary:

International Code	Nestlé Instructions
1. Applies to all countries as a minimum standard.	Apply to a list of developing countries of Nestlé's own changing criteria.
2. Applies to all breastmilk substitutes, including other milk products, foods and beverages marketed to replace breastmilk. Marketing of complementary foods should not undermine exclusive and sustained breastfeeding.	Apply only to infant formula and to follow-up formula up to the age of one.* Complementary foods should not be marketed for use before six months.
3. WHA resolutions require governments to avoid conflicts of interest in infant and young child health programmes, so infant and young child feeding materials sponsored by baby feeding companies should not be approved.	Allow for educational materials with corporate logos for use by health workers in teaching mothers about infant feeding. Allow for baby pictures "to enhance educational value of information."
4. No promotion to the public including no direct or indirect contact with pregnant women and mothers of infants and young children.	Only solicitation of direct contact with pregnant women and mothers of infants below six months is prohibited.
5. No promotion in the health care system.	Allow for company "Mother Books" and "Posters" with corporate logo to be distributed to mothers by health workers or displayed in health facilities.
6. No donation of free formula or other breastmilk substitutes to any part of health care system. (read with WHA 47.5 [1994])	Prohibition limited only to infant formula and follow up formula and where national ruling allows, may respond to written requests.
7. There should be no promotion of products or company materials in the health care system.	Low cost items such as wristbands, feeding bottles, health cards etc with corporate logo allowed.
8. Promotion of breastfeeding is the responsibility of health workers who may not accept financial or material inducements.	Allow cooperation in these efforts by providing videos, brochures, posters, breastfeeding booklets, growth charts, etc. Token gifts where value would not "constitute an inducement" permissible.
9. Samples only allowed if necessary for professional evaluation and research.	Allow samples to introduce new formulas, new formulations and for newly qualified doctors.
10. Sponsorship contributions to health workers must be disclosed and not give rise to conflicts of interest. (read with WHA 49.15 [1996] & 58.32[2005])	On a case by case basis, financial support is allowed (does not mention disclosure).
11. Labels must follow preset standards and not discourage breastfeeding.	Company labelling guidelines allow for promotional devices on labels.
12. Governments to implement national measures as appropriate to social and legislative framework, including legislation and regulation.	Nestlé Market Managers should "encourage" introduction of national codes [voluntary, unenforceable codes rather than laws].

* based on Nestlé's Instructions for Implementation of the WHO International Code of Marketing of Breastmilk Substitutes (updated 2004). In February 2010, Nestlé said that the Instructions are being updated and would be available on the company website. As of October 2010, neither the new nor the old Instructions are accessible.

Nestlé's policy is much weaker than the International Code, but even its own response shows it breaks it, for example, advertising follow-on milks in 'higher-risk countries'.



Join the Newark Protest

Nestlé's partnering with the Mayor of Newark, New Jersey, USA, to the tune of US\$100,000 has sparked protests and petitions from campaigners. Under the partnership with the city, Nestlé nutritionists will be given access to all 15 of the Family Success Centers to provide training on "breastfeeding and nutrition".

Maria Parlapiano and Renee Hefti - Graham, organizers of the protest say, "There is no doubt about Nestlé's real agenda...The ink wasn't dry on Nestlé's press release of the presentation to the Mayor before formula ads and coupons started popping up"

Do sign up to the petition and encourage others to help stop this.

ACTION POINT

www.change.org/petitions/stop-newarknestle-now

Dishonourable degree in Alberta

The University of Alberta received messages of protest from around the world as it planned to award Mr. **Peter Brabeck-Latmathé**, the Chair and former Chief Executive Officer of Nestlé, an honorary degree for contributing to "the preservation, distribution and management of one of humanity's most vital resources: water." The University President went ahead with the award, suggesting protests came solely from the **Council of Canadians**. However, 70 organisations from 20 countries signed its letter of protest and demonstrations took place inside and outside the university when the degree was presented on 1 March 2012. Protests continue over the President's invitation to Mr. Brabeck to sit on an external advisory board for a new university-based Water Initiative.

● A new documentary film called *Bottled Life*, produced in Switzerland, looks at the scandal of Nestlé Pure Life brand of bottled water.

Nestlé taken to Swiss court over spying ring

Brazilian campaigner, **Franklin Fredrick**, was a witness at a court action in Switzerland in February over Nestlé's infiltration of the campaign group, **ATTAC Switzerland**, with three spies. To **World Radio Switzerland** he told of his worries when he found out how much information had been gathered on him during his successful campaign to stop Nestlé's damaging *Pure Life* water bottling operation in the spa town of **São Lourenço**. Campaigners were also concerned about the safety of trade union members in **Colombia** whose details were available to the spies. Paramilitaries have killed trade unionists organising at Nestlé factories.

New resources for promoting the Nestlé boycott

I BOYCOTT NESTLÉ. ASK ME WHY.



A smart phone version of the boycott products list is now available on our site. www.babymilkaction.org/isite/#_index

We also thank **Nick Rundall** for coming up with a "Nestlé - Good Grief!" jingle. This is available to download as a text alert/ringtone, and is also included with our new widget, which you can add to sites or blogs about the Nestlé boycott using the code you will find in our Nestlé-Free Zone at:

info.babymilkaction.org/nestlefree

Also thanks to **Robyn Bowman** and **Kitty Simmons** for new boycott images (right and left, respectively).





International Nestlé-Free Week becomes Halloween event

International Nestlé-Free Week is a time for people who boycott Nestlé over the way it pushes baby milk to do more to promote the boycott, and for those who don't boycott to give it a go - and tell Nestlé. The main target of the boycott is Nescafé coffee. If you only boycott Nescafé, try giving all Nestlé products a miss for this week. If you don't boycott because you don't want to miss out on a Nestlé brand, try it for this week.

The week, which began as a campaign strategy in 2007 and has now become established to encompass 31 October - marked as Halloween in some countries, when children knock on doors asking for sweets (or candies). This is a great time to raise awareness of the boycott, by, for example, putting a Nestlé-Free Zone poster in your window and giving out sweets in bags with Nestlé-Free Zone logos and our product list cards, which have a brief explanation of the boycott.

Thousands of people were invited to the virtual event on Facebook by their friends, perhaps hearing in this way of the boycott for the first time. A selection of comments from Facebook are given below.



Nestlé, Good Grief! - The Musical

The annual demonstration at Nestlé (UK) HQ in Croydon had a musical theme. You will find a video clip on the website including a partial rendition of one of Alison Blenkinsop's songs from the book *Fit to Bust!*. Also, the *Nestlé, Good Grief!* jingle. Nestlé's slogan is "Good Food, Good Life". Boycotters look at how executives run the company and say "Nestlé, Good Grief!".

Feel free to record your own mime to the jingle - or your own jingle - and we'll add it to the site.

Dates for next year

19 May 2012 (Saturday): Annual demonstration at Nestlé (UK) HQ, Croydon or Crawley (Nestlé is in the process of relocating)

29 October - 4 November 2012: International Nestlé-Free Week

If you forgot the event this year, sign up to Baby Milk Action's email alert list via our website.



URC ends support for the boycott - over a technicality

The United Reformed Church (URC) has been a long-time supporter of the Nestlé boycott and for many years provided a small annual grant to Baby Milk Action. We were surprised and disappointed, therefore, to learn in 2011 from the URC Secretary for Church and Society that the Mission Committee was instructing the Mission Council end URC support for the Nestlé boycott under the terms of a motion adopted by the Church Assembly in 2010.

The Assembly renewed support for the boycott until such time as Nestlé is admitted to the FTSE4Good ethical investment index. The motion was adopted as an alternative to a move by URC Church and Society to call off the boycott and invest in Nestlé, a position taken after a meeting with Nestlé Vice President, Niels Christiansen.

Nestlé was admitted to FTSE4Good in March 2011, not because it stopped violating the baby

food marketing requirements, but because the FTSE4Good criteria were changed in September 2010 to allow companies to be included even while systematic violations are continuing. URC representatives have been advising FTSE on these changes - alongside other church groups that already have substantial investments in Nestlé (page 4).

Baby Milk Action asked if the URC Assembly could have the opportunity to revisit the issue given that Nestlé would not have been included in the Index under the criteria in force at the time of its 2010 decision.

We were told it is impossible to take the matter back to the Assembly and the motion is binding, even though superseded by events. The instruction to end the boycott was given to the Mission Council meeting in November 2011. Full details in the press release on our website.

Development agencies in Laos snub Nestlé prize

Save the Children Australia, Oxfam and 13 other Aid agencies working in Laos wrote to Nestlé's Chairman, Peter Brabeck-Letmathe, and Chief Executive, Paul Bulcke, on 30 May 2011 stating that they will not be applying for Nestlé's half million dollar Creating Shared Value Prize:

We won't be applying for the prize, because Nestlé continues to make millions of dollars of profit, at the expense of infants and children in Asia, through violations of the International Code of Marketing of Breast-milk Substitutes.

Unethical marketing by food companies, including Nestlé, contributes to the situation of high infant and child mortality in Laos.

Babies and children are dying in Laos because food companies such as Nestlé are weakening national regulatory frameworks and aggressively flooding the market with

information that dilutes public health campaigns that promote breastfeeding.

The letter, which can be found in full on the Baby Milk Action website, cites specific examples of Nestlé malpractice. They say, for example, that company representatives visit hospitals to give health workers gifts and fund trips, and that breastmilk substitutes are promoted in public and at pre-school and health facilities.

Advertising is promoting unscientific and unsubstantiated claims that formula increases intelligence and enhances immunity. This creates a situation where family income is being spent unnecessarily on formula for infants and young children, keeping households poor.

● IBFAN's suggestion that FTSE evaluate Nestlé activities in Laos, rather than in countries with strong legislation, was rejected (pg 5).



Nestlé BabyNes system breaks Code and endangers health

Baby Milk Action and IBFAN are publicly repeating their call for Nestlé to modify its new BabyNes 'nutrition system' to follow the joint *FAO/WHO Guidelines for the safe preparation, storage and handling of powdered infant formula (WHO PIF Guidelines)*.

The machine prepares an instant bottle of infant formula using a capsule containing powder, which is not sterile and may contain harmful bacteria. The *WHO PIF Guidelines* include a step to kill such bacteria. Nestlé also claims to add bacteria to the formula, using this as the basis for unproven health claims in its marketing. The machine received worldwide publicity from a launch to the media in Switzerland, which violated marketing requirements.

Nestlé executives refuse to introduce the step that kills bacteria or to warn on labels that powdered formula is not sterile. Laboratory analysis of capsules of baby milk for BabyNes machines detected the presence of bacteria, proving that the milk powder in the capsules is not sterile, as shown in the photo.

In the UK companies are required to add warnings to labels after many years campaigning by Baby Milk Action and its partners. For example, Danone's Cow & Gate and Milupa brands state: "because powdered milks are not sterile failure to follow instructions may make your baby ill" while Wyeth's SMA brand states: "While this product is made up under strict hygienic conditions, it is not sterile. Failure to follow instructions on preparation and storage may make your baby ill."



Recent worldwide studies have detected pathogenic bacteria such as *Enterobacter sakazakii*, *Salmonella* species and *E. coli* in samples of PIF. Previous tests reported by the US Food and Drug Administration revealed that 14% of packages contained bacteria that are potentially harmful such as *E. sakazakii*.

Nestlé, the London Marathon, the Olympics and water

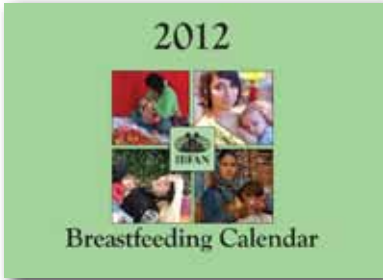
After raising concerns about Nestlé sponsorship of the London Marathon with its *Pure Life* brand of bottled water, Baby Milk Action has learned that the contract still has a number of years left to run.

We have been told there is little point meeting with the organisers until they are considering new suppliers. The London Marathon sponsorship policy is confidential. The Charity Commission calls for transparency and care over sponsors and so we raised concerns with it as 100% of the London Marathon surplus is handed to The London Marathon Charitable Trust. However, as The London Marathon Ltd runs the marathon and is a company not a charity (albeit one wholly owned by the London Marathon Charitable Trust), charity law does not apply.

● Nestlé is sponsoring Team Nestlé, four UK athletes in training for the Olympics.

● Nestlé Chairman, Peter Brabeck-Letmathé, is spearheading the Water Resources Group, a joint venture with the World Bank.

According to Corporate Accountability International: "In order to be eligible for support from this new fund, all projects must "provide for at least one partner from the private sector," not simply as a charitable funder, but "as part of its operations." The US-based group commented: "Global water corporations must not be allowed to tap into public 'development funds' to promote their private agenda because case after case shows that profitability and fulfillment of human rights in the water sector are at odds."



2012 Calendars now reduced.
Also available packs of past years.

Nestlé Monster T Shirts now available

Thanks to Rebecca Clark for this image, also available on a reusable shopping bag.



Infant Formula Explained DVD

In the main 25-minute programme, the experts explain about formula to give health workers the information and the confidence they need to answer questions from parents and carers.

A shorter 7-minute programme is for use with carers and parents who have decided to formula feed (and health workers with less time available).

There is also a 10-minute film on how to make up powdered formula in line with World Health Organisation guidance to reduce the risks from possible contamination with harmful bacteria.



Show your support by adding a button to your site or blog, or by distributing our leaflets, available from the office.



Complementary Feeding: Nutrition, Culture and Politics is the new book from Gabrielle Palmer, author of *The Politics of Breastfeeding* (and one of the experts appearing in the *Infant Formula Explained* DVD). This brief, compassionate and thought-provoking new book will be of interest to anyone who is curious about the world, its children and their nutrition, and will stimulate discussion and debate as part of the campaign to create a world where health for all is a true goal.

Many thanks to Sally Etheridge (pictured here with her daughter) for raising £200 in a sponsored bike ride and to Helen Webster for asking for donations instead of presents for her party. Contact us if you have a fundraising idea. We can help publicise it and provide materials for explaining the campaign



Diary dates: 2012

21st April Baby Milk Action AGM

19th May: Demonstration at Nestlé (UK) HQ in Croydon (or Crawley if its move has completed) and other sites 11:00 to 12:00.

29th October - 2nd November:
International Nestlé-Free Week

7-9th December World Breastfeeding Conference

Membership Offer

Become a member of Baby Milk Action with monthly or annual payments by credit/ debit card or PayPal and receive a free gift.