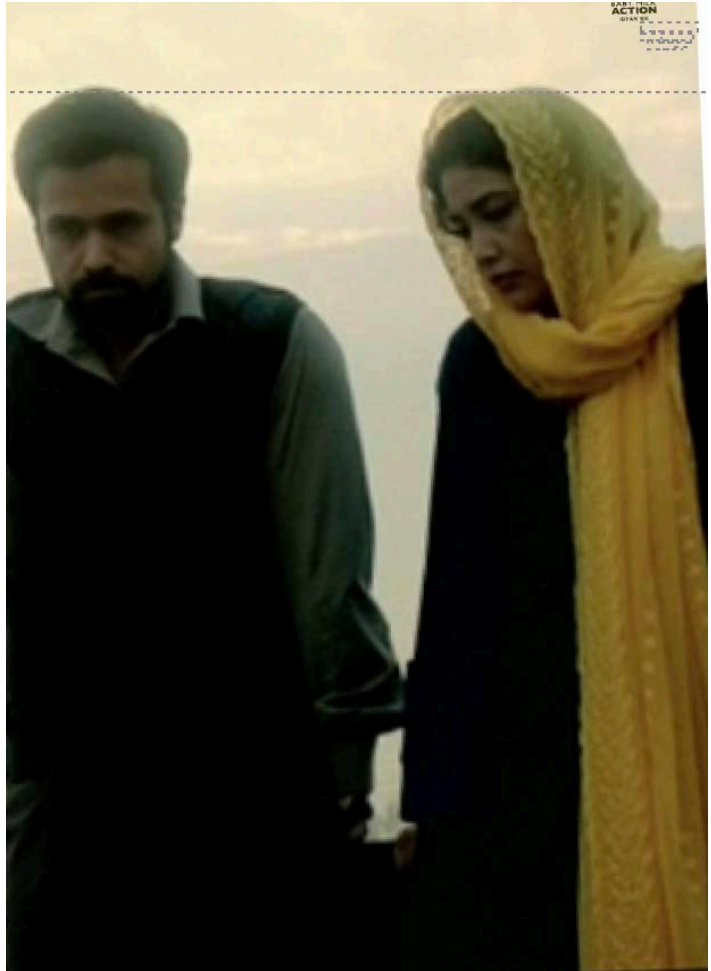


UPDATE



RCPCH votes to end formula funding

EU Parliament votes to lower sugar in baby foods

Corporate capture of WHO

50 years of Nestlé

More about the Whistle blower movie Tigers

babymilkaction.org

Baby Milk Action

Baby Milk Action is an independent voice that protects babies and their families. We take no funding from companies. As part of a global network, we act to stop misleading marketing by the baby feeding industry. We protect breastfeeding and babies fed on formula to prevent unnecessary death and suffering.

IBFAN

We are the UK member of the International Baby Food Action Network (IBFAN), consisting of more than 270 groups in over 160 countries. www.ibfan.org



Baby Feeding Law Group

Baby Milk Action is the Secretariat for the Baby Feeding Law Group which works to bring UK legislation into line with UN Resolutions. BFLG members include 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. www.babyfeedinglawgroup.org.uk



Conflict of Interest Coalition

We were a founder member of the Conflict of Interest Coalition formed in 2011 to safeguard public health policy-making from commercial influence. 162 organisations representing over 2000 NGOs signed the original statement.

www.coalition.blogspot.com



International Code

We work for controls implementing the *International Code of Marketing of Breastmilk 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 Code should be read with subsequent WHA Resolutions on infant and young child feeding.

Protecting breastfeeding

Breastfeeding is the cornerstone of child survival, health and development, with the potential to reduce under-5 mortality by 13% and save 800,000 lives each year. 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. Breastfeeding also provides health benefits to the mother, such as reduced risk of some cancers. There is no food more locally produced or sustainable than breastmilk, whereas formula is unsustainable and detrimental to the environment. 800 litres of water are needed to manufacture one litre of milk and 4700 litres to make a kilo of milk powder.

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-formula, but we are anti-irresponsible marketing. We work to protect the right of all families and health workers to accurate, independent information on infant and young child feeding.

Cover Photo: Syed Aamir Raza on the day of the world premiere of the film *Tigers*.

Contents

UPDATE LIST*

24

Staff



Patti Rundall
Policy Director, OBE
IBFAN Global Advocacy



Mike Brady
Campaigns and
Networking
Coordinator



Jennie Evans
Office Manager

Glossary

BINGO	Business Interest NGO
BMGF	Bill and Melinda Gates Foundation
CDC	Centre for Disease Control (US)
COI	Conflict of Interest
CRC	Convention of the Rights of the Child
CSR	Corporate Social Responsibility
CSV	Nestlé's Creating Shared Value
CPHVA	Community Practitioners and Health Visitors Assoc.
DHA	Docosahexaenoic Acid
EFSA	European Food Safety Authority
FAO	UN Food and Agriculture Organization
FCTC	WHO Framework Convention on Tobacco Control
FENSA	Framework of Engagement with Non State Actors
FSA	UK Food Standards Agency
FSMP	Food for Special Medical Purposes
GAIN	Global Alliance for Improved Nutrition
GBAI	Global Breastfeeding Advocacy Initiative
GSO	Global Social Observatory
GHC	Global Health Council
IBFAN	International Baby Food Action Network
ICDC	International Code Documentation Centre
IFBA	International Food and Beverage Alliance
ISDI	International Special Dietary Foods Industries
ISDS	Investor State Dispute Settlement
MDGs	Millennium Development Goals
MEP	Member of the European Parliament
NHS	National Health Service (UK)
NSA	Non State Actor
NGO	Non Governmental Organisation
PINGO	Public Interest NGO
PPP	Public Private Partnership
SBN	SUN Business Network
SUN	Scaling Up Nutrition
TNC	Transnational Corporation
TPP	Trans-Pacific Partnership
TTIP	Transatlantic Trade and Investment Partnership
UNICEF	United Nations Children's Fund
WEF	World Economic Forum

Baby Milk Action's members elect its Board of Directors. We are also grateful to a network of area contacts, volunteers and members of the public who support our work.

Baby Milk Action is funded by membership (£18 waged, £7 unwaged, £25 family, organisation fee dependent on turnover), donations and merchandise sales. We are very grateful for grants from the A Team, Kenneth Miller Trust, the Fire Brigade Union, Network for Social Change, OXFAM, Save the Children and SCIAF.

Update 47 was written by staff and is free to members and affiliates. Also available online.

Contact

Baby Milk Action
34 Trumpington Street
Cambridge CB2 1QY UK

Tel: (01223) 464420
Fax: (01223) 464417

info@babymilkaction.org
babymilkaction.org



In this *Update* we are including information about the new feature film **Tigers** that dramatises the true story of former Nestlé baby milk salesman *Syed Aamir Raza* (played by *Emraan Hashmi*, left with *Geetanjali* as Aamir's wife *Shafqat*). Oscar-winning director *Danis Tanovic* accurately captures the tension of this time when Baby Milk Action and our IBFAN partners helped Aamir expose the company's unethical practices. It is a rare thing to have the reality of what we do and the challenges we face in the spotlight like this.

It is the nature of our work that much of it remains untold and invisible. Promotions are removed, labels are changed, sponsorship deals ended. You may know we produce monitoring reports exposing how baby milk companies break the rules. You might not be aware of the work gathering and collating the information from UK and global partners. The cases filed with *Trading Standards* and the *Advertising Standards Authority* – and the follow-up communications trying to persuade them to enforce the rules. The submissions, briefings and meetings with United Nations agencies, the European Commission and Parliament and other governments to encourage them to fulfill their responsibilities and strengthen regulations.

Many people complain to us about baby food company sponsorship of study days and health workers. We tackle this by helping professional bodies strengthen their policies and giving participants leaflets as they arrive at these meetings. Once people have independent information they soon realise that *'It's not a free lunch - it's a marketing strategy!'*

Social media is something we have harnessed. Our website has been updated to display well on smartphones and tablets. We run successful campaigns on *Twitter* – prompting *Tesco* to respond on illegal marketing practices, after first refusing to do so. Jumping on *Nestlé's Creating Shared Value* forum hashtag to shame executives into dropping their *'natural start'* claim for pushing

infant formula, after they had repeatedly defended it. During the UK election in 2015, we asked all political parties represented in Parliament for their infant feeding policies – and publicised on *Twitter* who had not answered until their replies came in.

It is a constant battle to keep Baby Milk Action functioning to do this work and to support the public, who are our eyes and ears and lend force to our campaigns. A strategic review in 2013 confirmed the importance of having an office to provide information and resources. [Soon we will have to relocate as our home above an antique shop \(left\) is being redeveloped - something else to tackle in 2016.](#)



Our Office Manager, Policy Director and Campaigns Coordinator are all currently part time. We are assisted by book-keeper and a volunteer post-room manager

Grants are increasingly difficult to come by. In part this is due to the financial challenges all organisations face. In part it is because tackling root causes of problems as we do is not seen as attractive as an intervention to address the symptoms. In addition, some of our traditional funders have changed tack, to work with corporations rather than work for regulation.

So we have to fit researching and approaching new funders around our other tasks. This is why membership fees, donations and merchandise sales are so important, currently making up more than 40% of our income.

This newsletter incorporates our Year Report for the past financial year. On page ** we look forward: strengthening marketing rules and calling for strong conflict of interest safeguards. IBFAN's clear stand on these issues has resulted in significant improvements in many policies - at *WHO* and *UNICEF*, at the *European Food Safety Authority*, at *Codex* - to the lasting benefit of all. : So while our work is often invisible – it is essential.

Protecting breastfeeding - Protecting babies fed on formula



IBFAN's team at the World Health Assembly 2015. From Left to Right: Rebecca Norton and Lida Lhotska (IBFAN GIFA) Annelies Allain (IBFAN ICDC Penang), Joyce Chanetsa (IBFAN Africa), Constance Ching (IBFAN ICDC Penang), Barbara Nalubanga and Edoard Zerba (IBFAN Africa) and Patti Rundall (Baby Milk Action). Elisabeth Sterken (INFACT Canada), Arun Gupta and Dr Shoba (IBFAN Asia), Marta Trejos (IBFAN Latin America) and Maryse Arendt (Luxembourg) left before this photo was taken.

IBFAN - defending health

MATERNAL CHILD HEALTH

Baby Milk Action's Policy Director, Patti Rundall (above right) regularly attends the World Health Assembly (WHA) in Geneva. In January 2015 she delivered a joint statement on behalf of *IBFAN, Public Services International and Health Innovation in Practice* at WHO's special session on Ebola,¹ linking WHO's delayed response to its reliance on voluntary funding tied to specific programmes and donor priorities.

*"Ebola is a disaster that was just waiting to happen. It is the result of harmful structural adjustment policies, cruel wealth disparity that is on the rise and a lack of political support for health systems. It also demonstrates that the era of verticalization of health programmes – dealing with diseases one by one – and the Public Private Partnerships associated with it, is not what the world needs... Ebola has been waiting for research and development for 40 years. Only now, when the world's attention is focused on this global crisis, are corporations springing into action. While tackling this problem, WHO must now ensure that it does everything possible to prevent commercial exploitation of public health."*²

OXFAM also made an intervention during the Ebola debate, calling for health services to be publicly funded through progressive taxation and publicly delivered. OXFAM and *Global Justice Now* are tracking the UK Government's initiatives that open health and education markets to private firms, such as a £7m girls education partnership with *Coca Cola* in Nigeria.³

1 *Infant Feeding in the Context of Ebola*, UNICEF/WHO/IFE Core Group www.enonline.net/infantfeedinginthecontextofebola

2 www.babymilkaction.org/archives/2951

3 www.globalhealthcheck.org/?p=1772.

As part of WHO's Reform process, Member States have been discussing a draft policy for a *Framework of Engagement with Non-State Actors* (FENSA) struggling to resolve their differences. IBFAN along with other NGOs and Member States fear that FENSA will undermine WHO's integrity, independence, credibility and trust-worthiness and WHO's ability to carry out its primary constitutional mandate: *'Health for All'*.

FENSA legitimizes old channels of industry influence and opens new ones - allowing Business Associations Official Relations status. Previously businesses pretended to be NGOs. The UK, the US and other powerful countries have been the most keen to increase WHO's collaboration with and funding from corporations and philanthropies, while developing countries have stressed the need for caution and a *'clear policy on how WHO will manage its conflicts of Interest'*.

Some of FENSA's problems:

- The term *Non State Actor* (NSA) is used in the over-arching policy and applied equally to transnational corporations (TNCs), large philanthropies and public interest groups. There are very few differences in the way these very different entities are treated.
- One of the principles that FENSA is based on is 'inclusiveness' - a term much favoured by businesses and their front groups that allows them to influence public health policy and priority setting. An effective Conflict of Interest (COI) policy must consider which actor to exclude,

WHO FUNDING

The poor process behind the FENSA development relates to the freeze - imposed by the US in the 1990s - on WHO's budget, which is now less than one third of the Atlanta-based US Centre for Disease Control. Voluntary donor funds now account for 80% of WHO's budget, with 93% tightly earmarked - effectively preventing WHO from working on policy and programme areas that donors don't like - even those decided by the WHA.

WHO needs sustained funding and an increase in Member States assessed contributions for WHO's core work is the only appropriate solution. Using FENSA as a fund raising strategy is misguided and risky. FENSA conflates Conflicts of Interest that lie *within a person or institution* - with conflicts or divergences *between actors and their mandates*. So WHO's secondary interest (its need for money) will conflict with its primary interest (its constitutional duty to protect health for all. We doubt that WHO's *'due diligence'* procedures will be stringent enough to bite the hand that feeds it. When evaluating risk will WHO refer to IBFAN and truly independent monitoring - or to the many weak monitoring systems springing up, (See ATNI page)

when and why. It must use vigilance and an arms length approach. Not all interactions between WHO and corporate actors need be precluded but they must be necessary and appropriate.

- FENSA warns that WHO's name and emblem *"shall not be used for, or in conjunction with, commercial, promotional marketing and advertisement purposes"* But it allows international business associations the privilege of *"Official relations"* on the basis of *"sustained and systematic engagement"* with WHO. Engagement is assessed by *"both parties to be mutually beneficial."*

- For example: In January 2016 the *Micronutrient Initiative* was granted Official Relations even though it is funded and partnered by with industry. It also provides funding to key WHO documents, such as the guidance on Iron. (COI on working group) The WHA Participants List includes 115 delegates from the *Global Health Council* (GHC) a PPP in Official Relations

with WHO. Along with four Nestlé delegates, Scott Ratzen, was listed as *"Editor in Chief of the Journal of Health Communication."* No mention that Ratzen is Vice President of *Anheuser-Busch InBev*, one of the world's leading alcohol producers. So much for transparency.

- A leaked memo from the *International Food and Beverage Alliance* (IFBA) (Nestlé, Coca Cola, PepsiCo etc) showed how IFBA was lobbying Member States for access to WHO.

- The WHA Participants List includes 115

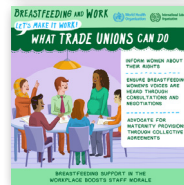
Multi-stakeholderism Why words matter

The term 'stakeholder' is on everyone's lips these days. But its not apolitical. It is often used by transnational corporations (TNCs) to acknowledge that they are not *only* accountable to their shareholders, their activities impact others and these others have a 'stake' in what they do. They are 'stakeholders'.

In the run up to the first UN *Conference on Environment and Development* in Brazil in 1992 (the *Rio Earth Summit*), TNCs saw the prospect of regulations to address climate change and successfully lobbied to remove a chapter on their environmental responsibility from the *Agenda 21*. They recast themselves as one of the stakeholder groups of the conference asserting that they are '*part of the solution*' and '*have to be treated in an inclusive manner.*'

WHO/UNICEF step up action

2015 is the Target Date of the Millennium Development Goals and people now seem to be realising that breastfeeding - the cornerstone of child survival - has been sidelined in favour of technological money making ventures. UNICEF has a new *Global Breastfeeding Advocacy Initiative* (GBAI) and WHO a new Code monitoring Initiative, *NetCode*. Both are currently funded by the *Bill and Melinda Gates Foundation* (BMGF). Since we share the same mandate and our collaboration could advance child



health, we are cautiously joining, aware of the risks. The BMGF is not a passive donor and clearly favours the public private partnership model and market-led solutions. The *Scaling Up Initiative* (SUN) and the *Global Alliance for Improved Nutrition* (GAIN) are both BMGF-funded and have for years been promoting product fortification and close business involvement as the solution to malnutrition. We are advocating that GBAI has strong Conflict of Interest safeguards in place, that it focuses on getting lasting policy changes rather than short term promotions, and is guided the *Global Strategy on Infant and Young Child Feeding* rather than by unpredictable donor priorities.

1 Philanthrocapitalism, past and present: The Rockefeller Foundation, the Gates Foundation, and the setting(s) of the international/ global health agenda. Anne-Emanuelle Birn, Hypothesis 2014, 12(1): e8. doi:10.5779/hypothesis.v12i1.229.

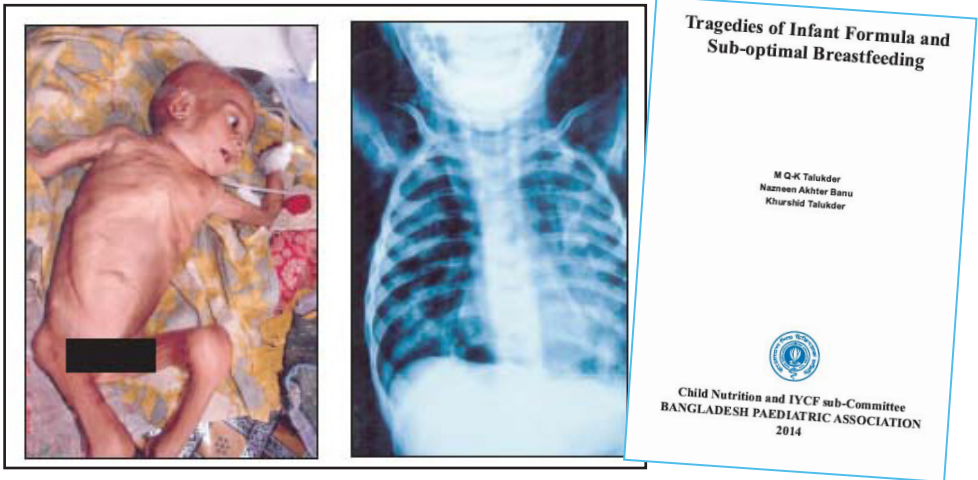
- India's *Alliance Against Conflict of Interest* U 5 May 2015 www.aaci-india.org/ACCI-news/AACI-Update-5.pdf
- Simon, M. (2015). *Nutrition Scientists on the Take from Big Food...* www.eatdrinkpolitics.com/wp-content/uploads/ASNReportFinal.pdf
- Richter, J. (2014). *Time to turn the tide: WHO's engagement with non-State actors*. 19 May, BMJ 2014;348:g3351
- Richter, J. (2015). *"Conflicts of interest and global health and nutrition governance..."* BMJ RR.
- *World Nutrition* July-August <http://wphna.org/phn-news/newsletter/>
- *Centers for Disease Control and Prevention: protecting the private good?* BMJ 2015; 350 doi: <http://dx.doi.org/10.1136/bmj.h2362>. 15 May 2015).

Conflict of Interest

"[Individual] conflicts of interest are defined as circumstances that create a risk that professional judgments or actions regarding a primary interest will be unduly influenced by a secondary interest."

"Institutional conflicts of interest arise when an institution's own financial interest or those of its senior officials pose risks of undue influence on decisions involving the institution's primary interests."

The publication *Tragedies of Infant Formula and Sub-optimal Breastfeeding* from the Bangladesh Paediatric Association 2014 documents case studies of babies who became sick after being fed on formula or other substances, such as rice. Bangladesh is promoted as a model of success for meeting the Millennium Development Goals with dramatic reductions in maternal and child mortality. The Government passed a strong law banning promotion of baby foods in 2013 but the country remains a target for the baby food industry. Babies are still suffering and dying from inappropriate feeding.



A 10 month old girl weighing 4.5 kg presented with cough and failure to gain weight. Father was a rickshaw puller. She was exclusively breastfed for 1 month. Then dilute formula was given. She was diagnosed with Severe Acute Malnutrition (SAM) with bronchopneumonia. After admission she suddenly developed subcutaneous emphysema & severe respiratory distress. X-ray showed pneumatoceles and pneumomediastinum. The child died.

Nestlé calls it 'Project Happy'

Nestlé knows that promoting infant formula as the 'gentle start' in Bangladesh (right) is simply irresponsible. But it refuses to stop this marketing strategy and calls its 'gentle start' promotion 'Project Happy.'



Innovation leadership: gut comfort a growth engine with CHF 430 mio incremental sales

Nestlé Infant Formula with L.Comfortis:

- Exclusive probiotic cultures
- Reduce crying in colicky infants by 74% after one week
- Improve family quality of life by up to 66%
- In 40+ countries with incremental sales of CHF 430 mio (and growing)

Data in volume of Malnutrition (F range)

© Nestlé Nutrition 2013

It boasted to investors in September 2013 that the marketing strategy is a 'growth engine' that would deliver 'incremental sales.'

Companies have also seen an opportunity to market Ready to Use Therapeutic food (RUTFs) to treat sick babies. The report by Infiniti research, *Global Baby Food and Infant Formula Market 2015-2019*, identifies an "Increase in Number of Malnutrition Babies" as the Key Market driver. Prof M Q K Talukder, author of the *Tragedies* report, argues for rehabilitating malnourished babies with appropriate home prepared foods, which is cheaper, culturally appropriate and much more sustainable.



Despite more than 2.3 million people across Europe calling for an end to the secret and toxic negotiations on the Transatlantic Trade and Investor Partnership (TTIP) and the Investor State Dispute Settlement (ISDS) - and despite Brussels declaring itself a NO TTIP zone - on the 8th July the European Parliament gave TTIP a green light, with 436 votes for and 241 against. Under pressure from thousands of corporate lobbyists, but also aware of the strength of public feeling about how TTIP would transfer unprecedented power to corporations - many MEPs switched sides at the last minute.

Since 1995, when Codex Standards became the reference points for the World Trade Organisation in trade disputes, we have attended *Codex Alimentarius Commission* meetings and have succeeded in embedding the World Health Assembly Resolutions into its standards and guidelines. As a consequence governments who want to protect child health now have a 'safe harbour' and some protection against hostile challenges. The Codex Code of Ethics also explicitly calls on national authorities to: "make sure that the international code of marketing of breast milk substitutes and relevant resolutions of the World Health Assembly (WHA) setting forth principles for the protection and promotion of breastfeeding be observed." As new EU laws are being debated we are using these principles to pressure the EU to bring its proposals into line - to raise standards of protection rather than drive them down.

UN experts voice concern over adverse impact of free trade and investment agreements on human rights (extract)

GENEVA 2 June 2015 - A number of free trade and investment agreements, such as the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), are currently being negotiated. A group of UN experts [various special rapporteurs] have issued the following statement to express concern about the secret nature of drawing up and negotiating many of these agreements and the potential adverse impact of these agreements on human rights:

While trade and investment agreements can create new economic opportunities, we draw attention to the potential detrimental impact these treaties and agreements may have on the enjoyment of human rights as enshrined in legally binding instruments, whether civil, cultural, economic, political or social. Our concerns relate to the rights to life, food, water and sanitation, health, housing, education, science and culture, improved labour standards, an independent judiciary, a clean environment and the right not to be subjected to forced resettlement.

There is a legitimate concern that both bilateral and multilateral investment treaties might aggravate the problem of extreme poverty, jeopardize fair and efficient foreign debt renegotiation, and affect the rights of indigenous peoples, minorities, persons with disabilities, older persons, and other persons living in vulnerable situations. Undoubtedly, globalization and the many Bilateral Investment Treaties (BITs) and Free Trade Agreements (FTAs) can have positive but also negative impacts on the promotion of a democratic and equitable international order, which entails practical international solidarity.



We are supporting the campaign for a new Treaty to hold corporations accountable for their Human Rights abuses. In June 2014 we joined IBFAN's Geneva-based group (IBFAN-GIFA) other social movements and grassroots organizations in a rally through Geneva's UN district, just before the historic vote at the Human Rights Council that kickstarted the process. In the inset picture above, our Mike Brady speaks at the *UN Business Forum* in November 2015 on the need for a binding treaty given the failure of non-binding measures, such as the *UN Global Compact* and *OECD Guidelines for Multinational Enterprises* - these initiatives proved useless at holding Nestlé to account when we filed cases.

A legally binding instrument is supported by the Treaty Alliance (treatymovement.com), bringing together civil society organizations and social movements from around the world. The Subcommittee on Human Rights of the European Parliament and the Vatican are also in favour. However, the EU and United States claim the non-binding UN Global Compact insufficient, despite its demonstrable failure to stop abuses.

UN Global Compact inaction over Nestlé violating its principles

Baby Milk Action has pursued cases of Nestlé's violations of the *UN Global Compact Principles*. We wrote to past Executive Director, Georg Kell, concerned that no action was taken to censure Nestlé, Patron Sponsor of some events. Mr Kell replied that the role of the Global Compact Office (GCO) under so-called *Integrity Measures* is solely to encourage dialogue. Yet, the text clearly stipulates that the GCO can encourage corporations to take action to end violations and, if they do not act, remove them from the list of participants and publicly name and shame them.

The GCO said it would not provide a '*point-by-point*' response when we quoted the relevant provisions of the *Integrity Measures*. Mr Kell also failed to provide the clarifications requested, while continuing to promote the initiative as the way to change corporate behaviour. We wrote to his replacement Lise Kingo in November 2015, to see if she will apply the *Integrity Measures*, but still no response.

Nestlé and Danone target governments

Nestlé organises an annual *Creating Shared Value Global Forum* to present itself to policy makers as a partner in development and in countering the rise in obesity and non-communicable diseases. This diverts attention from its own culpability in these areas and provides new opportunities to promote products. For example, it has told investors that its interest in the First 1000 Days message of appropriate nutrition from conception to two years of age is its 'products solutions'. It has also tried to hijack World Breastfeeding Week, particularly in India where strict laws prohibit promotion of baby foods and sponsorship of health workers.

Leading competitor Danone is following a similar approach. In March 2015 it sponsored a roundtable discussion on the First 1000 Days at *The Guardian* newspaper in the UK and a subsequent article that suggested government should partner with food companies to provide nutrition education. Baby Milk Action contacted the Readers' Editor who agreed in a published response that the sponsorship had been a mistake.

Danone is investing heavily to gain influence, even sponsoring a report from the UK *All Party Parliamentary Group on a Fit and Health Childhood*.

OK for Danone to train nurses?

We continue to sit on the EU Commission's *Platform for Action on Diet and Physical Activity* - but our patience is wearing thin. At the meeting in May we complained, along with other NGOs, about Danone's boasting about its young child feeding 'education' of health workers in the Czech Republic. The Commission agreed to invite the Czech medical associations and WHO to the next meeting to discuss Conflicts of Interest

Nestlé vs EU Commission on branding

At the same meeting Nestlé gave a presentation about its nutrition education program called *EPODE*. We have been exposing the risks of such tactics for years, and in 2000 published an Education Pack called *Seeing through the Spin*, exposing how such involvement blurs the boundaries between education and marketing and sends a confusing message to children. (see Update 46)

The EU Commission has now agreed that education materials should not carry corporate branding. The *EU Action Plan to End Childhood Obesity* goes further and calls for no sponsorship by food and drink companies in schools.

In its response to the Commission Nestlé says: "We do not consider that the mere use of the word "Nestlé" in the children facing logo should be considered as marketing to children. The mere fact that a company is involved in such a programme with its own programme does not constitute a conflict of interest per se."

The EPODE materials used in Australia are not corporate funded.

In our lobby to improve the EU legislation we are reminding policy makers of Europe's own shocking statistics on inequalities, poverty, food safety, literacy and water:

- 120 million (24%) are at risk of poverty or social exclusion; 19 million still do not have access to an adequately protected source of drinking-water (a so-called "improved" source)



NGOs walk out of EU Forum on Alcohol

Meanwhile, 22 NGOs resigned from the EU Commission's *Alcohol and Health Forum* calling for an effective alcohol policy free from vested interest groups. "The Forum was established as a tool to support the implementation of the EU Alcohol Strategy, which expired in 2012. Given the absence of plans to develop a new Alcohol Strategy, our participation in the EU Alcohol and Health Forum can no longer be justified...Concerns have been raised about the lack of evidence to indicate that voluntary commitments from the alcohol industry lead to reductions in alcohol harm... to date, there have been no evaluation studies of Forum commitments which demonstrate any impact on public health.....we will focus our efforts on working together to pursue public health goals, free from conflicts of interests, and would welcome your suggestions on how this might be achieved." See EuroCare: <http://goo.gl/McdfqS>

Mexico's soda tax is working



Above: *SweetAgony* - the *Toll of Junk Food* - this powerful documentary by El Poder del Consumidor and Cacto Producciones shows the impact of Mexico's obesity and diabetes epidemic, with 75,000 amputations and 80,000 deaths each year.

We work with the Mexican *Nutritional Health Alliance* and El Poder (see UD 45) who are doing great work to tackle obesity. Preliminary results from a study by the Mexican *National Institute of Public Health* and the *Carolina Population Center* shows that the tax on sugar sweetened beverages (SSBs) seems to have reduced purchases by about 6% in 2014. This reduction increased over the year to 12% by December. Households with the fewest resources who suffer the greatest economic burden of the disease, reduced SSB purchases the most - by 9%-17% by the end of the year. The Alliance is calling for the tax revenue to be used to install water fountains in schools and public spaces and an integral prevention policy.

Nestlé's PR disaster: MaggiMess



Left: Newshour debate. Centre: Patti Rundall on Aljazeera, 5 June.
Right: An Amitabh Bachchan advertisement for Maggi noodles.

Mega Bollywood stars such as *Amitabh Bachchan* who have been promoting Nestlé's *Maggi Noodles* for years, had a wake up call when the Indian Government banned the sale of the noodles in June, describing them as 'unsafe and hazardous for human consumption' because of their high lead content. These stars - along with millions of women - trusted Nestlé's *Health and Wellness* claims, believing that Nestlé products meet all food safety standards. With such endorsements Nestlé captured 63% of the instant noodles market - and other highly processed salty, sugary, fatty snacks that are fast replacing traditional bio-diverse staples and fuelling the rise in obesity related non-communicable diseases. A packet of Maggi noodles typically contains 60-70% of the maximum daily intake of salt.

This was the largest recall in the history of Nestlé, and the food industry with 400m tons of the product destroyed. However Nestlé's handling of the issue was recognised to be a PR disaster and showed its disregard of safety standards and human rights. Nestlé India spends Rs 300-450 crore (about £56m) annually on 'advertising and sales promotion' but only Rs 12-20 crore (about £2m) on 'laboratory or quality testing.' (TOI 7.6.15) Nestlé filed a legal petition with the Bombay High Court, arguing that the FSSAI had acted in an "arbitrary, unreasonable and non-transparent manner." Maggi noodles went back on sale in India in November after the ban was lifted. .

● How independent are food safety checks?

The UK Food Standards Agency (FSA) website directed enquirers to Nestlé where Nestlé attempted to allay the public's safety fears. After we complained the FSA took the link down. Nestlé India is now offering to 'collaborate with the FSSAI in setting up "food safety institutes and disseminating good practices on food safety."¹

1 <http://goo.gl/w4ef8r>

● **Yasmine Motarjemi**, WHO's Food Safety Officer, and later Nestlé's Corporate Food Safety Manager and Assistant Vice-President (2000 to 2010) was forced out of her job after repeatedly raising concerns about Nestlé's lack of concern for food safety. Here are extracts from her response to Nestlé's materiality matrix (full text online).

'First, Nestlé's concern in regard to food safety is primarily not to cause mass/collective poisoning which would inevitably come to public attention; however, as long as the problem is not detected, then the product is safe. The company's limit or criteria of safety is whether the company will be implicated in a safety scandal or not.

Second, their concern for safety is whether this will lead to a loss of business, not consumer health, one can see this from the behaviour of the company. In other words, if one or few consumers get ill and their problems can be fixed with compensation, they would not care much. This is seen as the cost of the business. Otherwise, I do not see an explanation for leaving on the market for over 2 years a product (baby biscuits) which caused choking of infants, while the parents were complaining; the manager responsible was even promoted.

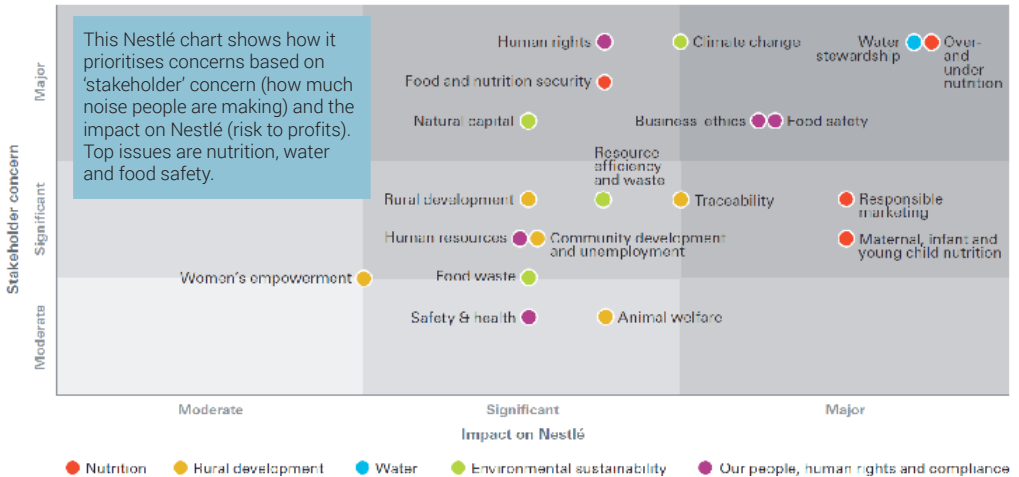
Also, according to a document submitted to the Court- in a case which opposes me to Nestle (Switzerland CC11.012142) , in 2005, the Company decided for a policy to link the bonus of its managers to incidents and product recalls. In my opinion, such a policy is contrary to food safety management principles. There are times that incidents do occur because of a human error or other factors. Linking bonuses to recall and incidents will discourage managers to report and to take early corrective actions, particularly in a company where the organizational culture is based on fearmongering.'

See page xx on Whistleblowers

Nestlé materiality matrix – water



2014 Nestlé materiality matrix



The matrix shows maternal, infant and young child nutrition has a major impact on Nestlé (thanks to the boycott and our work), but is only a 'significant' concern for stakeholders (FTSE's decision to weaken its FTSE4Good criteria to allow Nestlé into the ethical investment index is routinely used by Nestlé to divert criticism – page 17). These are issues to be managed; Nestlé only acts when forced to do so. How does it address the other top issues, like water and food safety?

Nestlé's water bottling operations have long been controversial, such as in Pakistan (where it first launched the *Pure Life* brand) and Brazil (where it took a ten-year campaign to stop it extracting and demineralising water from the historic water park in São Lourenço, see past *Updates*).

More recently, Nestlé is facing criticism for extracting water in Ontario and California at times of drought. An investigation by the *Desert Sun* newspaper found that Nestlé's permit to transport water across the Californian San Bernardino National Forest expired in 1988. Baby Milk Action raised the accusations of 'water stealing' directly with Nestlé Chairman, Peter Brabeck-Letmathé, in front of 2,446 shareholders at the company's annual meeting in April.

Mr. Brabeck is notorious for saying in a 2008 film, when he was CEO, that it is an 'extreme' view to declare people have a right to water, suggesting it would be better managed if treated as a 'foodstuff' with 'market value'. He is now

trying to counter the outrage this continues to cause, saying he agrees people have a human right to 5 litres of water for hydration and 25 litres for minimum hygiene, **that** it is a government's responsibility to deliver it. But he claims 98% of water is outside this and for commercial exploitation. This change of heart does not stop Nestlé trying to sell people bottled water.

Mr. Brabeck blames agriculture as the big water consumer, somehow forgetting that Nestlé is the world's largest food company, transporting highly processed food around the world. It has been estimated that it takes 4700 litres of water to produce 1kg of milk powder (*Formula for Disaster*, Breastfeeding Protection Network of India.)

Brabeck now promotes himself as an environmental guru. He received an honorary degree for this from the University of Alberta, despite protests. He chairs the 2030 Water Resources Group.

In a bid for kudos by association, he gave Matt Damon an award for his work on access to water - and a *Nespresso* advertising contract (will this Californian resident take issue with Nestlé's water bottling?). Meanwhile, the Chief Executive of Nestlé Waters North America says he will not reduce pumping in California: *'Absolutely not,'* he told the AirTalk radio station in May. *'In fact, if I could increase it, I would.'*

Milan Expo, the Pope, Nestlé in deep water

The controversial Milan Expo, *Feeding the Planet, Energy for Life*, opened on 1st May with thousands of *NoExpo* demonstrators protesting that it would provide 'greenwash' for its corporate sponsors. On the same day Pope Francis issued a warning about a "culture of waste" and the irony of a global mega spectacle about sustainable development and feeding the poor. He said the real protagonists of the event should be "the faces of the men and women who are hungry, who fall ill and even die because of an insufficient or harmful diet."

In his Encyclical, *Care for our Common Home*, published on 18th June, Pope Francis predicted that the 'control of water by large multinational businesses may become a major source of conflict in this century.' Another issue relevant to the Milan Expo. Last November we learned that the Swiss Exhibition, supported by \$3m sponsorship from Nestlé, was to contain four 5-Metre towers - one filled with bottles of branded Nestlé water and one with 2.5 million Nescafé sachets. Along with other NGOs, we wrote to Swiss Ambassador Nicolas Bideau, the Director of Presence Switzerland

(the government body responsible for the image of Switzerland abroad) warning that this could only do harm to the reputation of Switzerland, a country renowned for its public water services. We reminded him that Nestlé, in partnership with Coca Cola, Pepsi and the World Bank, is promoting the privatisation of water, despite 1.6 million signatories to the call from the *European Citizen's Initiative* that water be regarded as a public good.

Within a few weeks Ambassador Bideau changed his mind - none of the towers would have branded products and visitors were to be offered cups of tap water instead. We visited the Expo and yes, it was true. But instead a series of displays boasted about Nestlé's sustainable water management, its transparency and its empowerment of women coffee farmers!

- The UK Exhibition was a beautiful homage to bees - publicly funded with minimal branding. Shame that the UK doesn't support a permanent ban on neonicotinoid pesticides that are so harmful to bees.

New Parliament - lots to do

Reflections on Baby Milk Action's work in the coming period



The UK elected a new Parliament on 7 May 2015, putting the Conservative Party into government.

We asked all parties about their infant feeding policies during the election campaign. Some of the parties now in opposition pledged to support or investigate reintroducing the national infant feeding survey and to meet all commitments made under international agreements (such as the *Global Strategy for Infant and Young Child Feeding*). We will work with politicians from all parties in pursuing these goals.

Cross-party action on policy

To this end, we supported Alison Thewliss MP in setting up an All Party Parliamentary Group (APPG) on Infant Feeding and Inequalities. We participated in the preliminary meeting in November 2015. We asked supporters to contact their Members of Parliament to provide the required cross-party numbers for it to be formally constituted, which happened on 19 January 2016.

The APPG will listen to experts at regular meetings to formulate concerted action on implementing the *Global Strategy* in the UK.

Mind the gaps - where is action needed?

IBFAN, our international network, has developed the World Breastfeeding Trends Initiative, which assesses countries on their progress in implementing the *Global Strategy*. The assessment identified gaps and makes recommendations for action. The process involves organisations across the infant and young child feeding sector, including government, to improve the understanding of all involved so a comprehensive set of actions results. We are

pleased to have brought WBTi to the UK and to have gained the support of members of the Baby Feeding Law Group (BFLG), which brings together leading health professional and mother support groups. Lactation consultants Helen Gray and Clare Meynell are coordinating the assessment after taking part in an IBFAN training course. The Lactation Consultants of Great Britain (LCGB) is hosting information on its website. A core group of experts has been formed, including Baby Milk Action, and the first report is nearing completion.

WBTi results in a score card for the country. The developers and coordinators of the project at the Breastfeeding Protection Network of India/IBFAN Asia, already have reports from 75 countries - some having repeated the assessment once or even twice to monitor progress. We look forward to the UK joining this data set in the near future.

A children's rights issue

The UK is a signatory to the Convention on the Rights of the Child and its progress in meeting its obligations will be assessed this year by the *UN Committee on the Rights of the Child*. We have submitted information to the civil society report on the failure to adequately regulate the baby food industry. Last time the Committee responded to our evidence by stating in its report on the UK (2008):

'The UN Committee on the Rights of the Child recommends that the State party implement fully the International Code of Marketing of Breast-milk Substitutes.... The Committee is concerned that implementation continues to be inadequate and that aggressive promotion of breastmilk substitutes remains common.'

Governments since then have claimed to be constrained by narrower European Union measures. We have worked to strengthen new regulations being developed developed by the European Commission (see pg 9 - 12). We will work for improvements with the UK Parliament and Members of the European Parliament.

Countering proposals to weaken enforcement

The Department of Health (DH) consulted in February 2016 on measures for a Statutory Instrument for enforcing the forthcoming EU Regulations. The proposals are worrying. The DH proposes:

- Decriminalising many of the provisions in the regulations, such as labelling requirements and the need to notify DH prior to launching new products;
- Moving to a system of "Improvement Notices" with the stated purpose of "removing unnecessary rules and burdens on business".

Companies have been breaking labelling requirements since they were first introduced in 1995, without ever being prosecuted. Current labels break the requirement to ensure that infant formula and follow-on formula labels are clearly different. Infant formula cannot be promoted, but a loophole in UK regulations allows advertising of follow-on milks. Companies label the products identically as shown below to make them cross promotional.



Despite companies breaking the law for decades, the DH proposes *Improvement Notices* as "a more flexible approach giving industry additional time and support to resolve the problem identified in the Improvement Notice, enabling them to comply before it is escalated to a criminal offence."

Improvement Notices only make sense if their purpose is to protect the child's right to health and they are intended to be a more flexible way to

prompt faster action. To achieve this, they would need to be public, have deadlines attached, and be backed by criminal prosecutions if the deadline passes without the required action being taken.

Other provisions of the law are routinely broken – as demonstrated by supermarkets promoting Nestlé SMA infant formula to clear stocks of products with "excessive protein" (page ***).

Baby Milk Action has submitted comments to DH on behalf of the Baby Feeding Law Group calling for regulations to be enforced, not weakened.

Members of Parliament back call for action

An Early Day Motion is a petition for MPs. The Chair of the Infant Feeding and Inequalities APPG, Alison Thewliss MP, submitted EDM 1189 calling for regulations to be enforced and not weakened. This is gaining cross-party support. Visit our campaign page for details on how to contact your MP if you are in the UK:

www.babymilkaction.org/archives/8787

Ask your MP to sign EDM 1189

That this House is concerned that the provisions of the Infant Formula and Follow-on Formula Regulations 2007 are disrespected in the UK, as evidenced by the current promotion for Nestlé SMA infant formula by Tesco in breach of Article 23 of that regulation, the near identical labelling of infant and follow-on formula to make them cross-promotional in breach of Article 19 of that regulation, the widespread advertising of infant formula brand names and logos in breach of Article 21 of that regulation and the use of idealising text and images on labels in breach of Article 17 of that regulation; therefore rejects the Department of Health's proposals to decriminalise certain of those requirements, such as labelling provisions in planned draft legislative proposals, related to EU Regulation 609/2015 which will replace these 2007 regulations; and stresses that any move to a system of Improvement Notices must have the purpose of speeding up compliance and be backed by prosecutions rather than giving companies who have flouted the law for many years additional time to comply.

Label constraints not working

The improvements on labels suggested by the Commission are to be welcomed - but are clearly not enough. Infant formula label constraints have not worked. Idealising images - toy rabbits, logos with arms and breastfeeding mothers - are routine. Here from France, Italy, UK and Portugal



The UK *Guidance Notes* explain that idealising images include 'baby or child related subjects and anthropomorphic characters, pictures and logos...'; 'Pictures or text which implies health, happiness or well being is associated with infant formula' and 'graphics that represent nursing mothers and pregnant women'.

Again, the enforcement authorities say they cannot act as they are limited to the text of the Directive. Clearly this needs to be expanded to define 'idealising' more specifically or to give legal force to definitions put in place by Member States. A simpler solution could be to state that only text can be used on labels and all images and logos are prohibited, other than those required for preparation instructions.

Point-of-sale promotion is widespread

Proposed text to stop point-of-sale promotion follows the text of the existing Directive, stating

there should be 'no point-of-sale advertising ... to induce sales of infant formula'.

Promotion is commonplace, but companies argue it is for the follow-on milk alongside the infant formula.



The UK *Guidance Notes* have tried to address this by saying infant formula and follow-on formula should be placed

in different sections of retail outlets. It makes logical sense to include this in the proposed Directive if follow-on formula promotion is not simply banned. The Directive already states, 'Given the different role of infant formula and follow-on formula in the diet of infants, it is appropriate to lay down provisions requiring that a clear distinction be made between different formula products so as to avoid any risk of confusion.'

Targeting parents

Various articles in the existing and proposed Directives aim to ensure that pregnant women and parents are not targeted with gifts or misleading information, but have not worked in practice.

The Aptamil bear is an inducement to join a parenting club - but the company argues it relates to the follow-on formula. Emails sent to members of clubs are often highly promotional. For example, promoting a formula starter kit to pregnant women close to their due date.



All direct and indirect marketing to pregnant women, mothers and members of their families by manufacturers and distributors of breastmilk substitutes should be prohibited. It should be clearly stated that pregnant women and parents of young children should not be targeted by baby feeding companies under any pretext.



Danone formula exported in bulk to China in breach of EU labelling laws

Baby Milk Action campaigned successfully against plans by the European Commission to repeal an Export Directive that requires formula to be labelled in the appropriate language for the country where it is sold. We supported this Directive as parents need to be able to understand the warnings and instructions on labels. This is both to protect breastfeeding and to ensure those who use formula can do so safely.

At a meeting with civil society and industry groups on 17 February 2015 in Brussels the Commission representative was dismissive saying, 'Do you really think Nutricia would send products from say Holland to China without labels in the correct language?'

That is exactly what Danone (Nutricia's parent company) claims is happening. It says it has to ration sales to customers in Europe because stocks are being bought up and shipped out to China. The Directive makes this illegal if the products are not labelled appropriately and should be used to stop this happening. So why repeal it?

Danone's representative, Louis Vareille, did not speak up in support of the export directive.

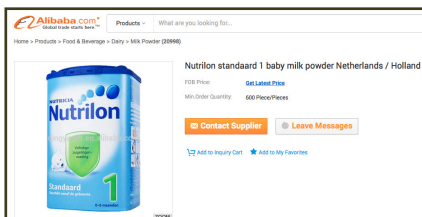
An IBFAN investigation has shown Danone formula from the Netherlands is for sale in China. These are not individual units bought in supermarkets, but bulk packages of formula such as *Nutrilon*.



The labels are in Dutch so the export Directive has been broken.

The posting below on the Alibaba.com business to business website is by a company based

in Ningbo, Zhejiang Province, China, and gives a minimum order quantity of 600 units.



Council Directive 92/52/EEC of 18 June 1992 on infant formulae and follow-on formulae intended for export to third countries states:

Member States shall ensure that the products referred to in Article 1 may be exported from the Community only if they comply with this Directive.... These products shall be labelled in an appropriate language and in such a way as to avoid any risk of confusion between infant formulae and follow-on formulae. [emphasis added].

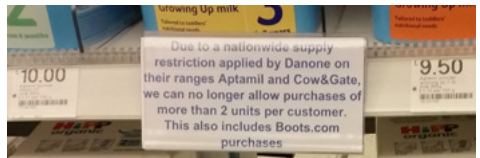
Danone seems happy for the Directive to fall and unconcerned that its formula is being exported in bulk. While we might hope it would consider the risks to health, it is all money in its coffers. The Commission has now promised changes to the Regulations in response to our concerns.

There is evidence that individuals are also selling single units of formula in China – again with original Dutch labelling, which is illegal, at least while the Export Directive is in place.

However, individual purchases are unlikely to have as much impact as the bulk exports. Indeed, many companies encourage individuals to purchase their products to take overseas (the whole duty free marketing strategy is based on this premise) so it would be surprising if a company such as Danone is unable to cope with demand from individuals (Nestlé says it has no problems with its supplies).

Danone exports formula from the European Union itself. Its factory in Ireland reportedly supplies 180 countries.

The UK pharmacy *Boots* put up signs in February 2015 warning that Danone had restricted supplies to the country and so it was limiting the number of packs mothers could buy.



Danone has bypassed the ban on infant formula advertising in the past by press releasing the claim that its formula is so in demand it has to be rationed. Rationing is described by experts as an effective marketing strategy.

Say NO to formula company sponsorship

Formula marketing in the UK has become noticeably more aggressive since Nestlé entered by taking over the SMA brand. It has recruited a national network of sales staff it calls Nutrition Representatives, offering £40k/year + bonus.

A job description in April 2015 states,

'Working with the National Health Service at a territory level, you'll be developing long-term, mutually beneficial relationships with key stakeholders and opinion leaders to support brand endorsement and strategically aligned education for Healthcare Professionals.'

So while health workers may think they are immune to pressure, the marketers think otherwise. Offering study days and sponsorship for events is not altruism. The job is all about opening up sales opportunities:

'your role is to work on the designated territory, visiting hospitals, doctors, health visitors and community midwives to develop key clinical relationships within your local health Economies, leading to opportunities for the SMA brand and Nestlé Nutrition.'

Many health facilities have policies prohibiting company representatives from meeting staff. Information can be provided to a designated expert who assesses it for accuracy and only communicates what is necessary. Nestlé, Danone, and more recently Hipp, try to bypass this restriction by organising their own study days. Registration is via the SMA-branded website where products are promoted. Guest speakers are used to entice health workers to the events, but the aim is to promote SMA formulas. For example, an event on developing health care communications promoted by the *Journal of Family Health* on 20 November had stands and goodie bags promoting SMA infant formula. See



the *Local Infant Feeding Information Board* newsletter for assessment of this event. Baby Milk Action offered leaflets to participants about their sponsor as they arrived.

<http://lifib.org.uk>

CPHVA to end all sponsorship

The *Community Practitioner and Health Visitor Association* (CPHVA) has been working directly with Nestlé in accepting it as a study day sponsor. Although no product promotion is allowed at these events, the Nestlé Nutrition Institute logo on the CPHVA site and event materials gives sales staff a vital foot in the door when they target members.

However, under its new ethical policy CPHVA, a member of the *Baby Feeding Law Group*, will, over the coming years, end all ads, displays and sponsorship from manufacturers and distributors of breastmilk substitutes.

Boots cancels SMA Careline staff in stores

Boots teamed up with Nestlé to promote the SMA brand. We were on the case when it announced: *'Visit selected stores [15 listed] on Thursday 12th February to talk to Midwives and Nutritionists,*



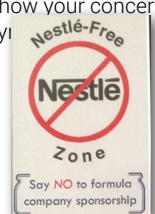
Baby Milk Action @babymilkaction · Feb 9
Please monitor @BootsUK stores as Nestlé is targeting shoppers with "SMA Clinical Reps" on 12 Feb. Send us pics.
babymilkaction.org/monitoring-uk

Pharmacists and SMA Clinical Representatives.'

People posted complaints on *Boots Facebook* page, citing Article 5.5 of the Code, which bans Nestlé targeting mothers. Boots announced that, following feedback, it had decided it would make sense, *'for SMA to withdraw from the event'*. But it still promotes the SMA Careline on its website.

Join the Say NO campaign

Send us details of company study days or sponsorship for our online campaign so people can demonstrate their independence by simply **refusing to go**. If, despite the conflicts of interest, you do go, you can show your concern with our **'Say NO'** stickers, key



fridge magnets and mugs.


Marketing in the UK - out with the old



Tesco breaks the law to clear shelves of Nestlé formula with “excessive protein”

In January 2016, Nestlé sent an email to health workers in the UK promoting its “new improved” infant formula, branded as SMA Pro. It said that babies fed on existing formula have “protein intake in excess of requirements”. It suggested the new formula was “closer to breast milk”, making no apology for suggesting the current (and previous) formulations were almost identical to breastmilk (see past *Updates*).

With the launch imminent, Tesco put existing SMA formula on clearance sale across its chain with price cuts and special displays, despite these activities being clearly prohibited by the *Infant Formula and Follow-on Formula Regulations (2007)*. Many thanks to the many people who sent Baby Milk Action pictures and reports. We contacted Trading Standards and the Department of Health, but the promotions continued unabated, prompting Members of Parliament to call for the law to be enforced (page **).



THE RIGHT QUALITY PROTEIN IN THE RIGHT QUANTITY HELPS YOUR BABY TO GROW AT AN APPROPRIATE RATE, HELPING TO REDUCE THEIR CHANCE OF OBESITY IN LATER LIFE.

80% OF MUMS SURVEYED DID NOT KNOW THE IMPACT OF TOO MUCH PROTEIN ON THEIR BABY'S GROWTH

Our new, improved, product range

The European Food Safety Authority (EFSA) recognised that protein intake in infants is in excess of requirements, and recommends a reduction of protein quantity in infant formula and follow-on formula.⁵



SMA[®] Nutrition launches its new SMA[®] PRO core range in January 2016.

SMA[®] PRO First Infant Milk has a high quality, low quantity protein profile and is the only formula clinically proven to achieve a growth rate comparable with a breastfed baby.⁶

- Protein profile closer to breast milk*
- Contains GOS/FOS[†]
- Contains Omega 3 and 6 LCPS

No apology for implying the old product was also comparable to breastmilk - just repeats the same strategy

mums surveyed did not know the impact of too much protein on their baby's growth". It said, SMA “experts are passionate about educating mums on protein during the first 1,000 days of a baby's life, imparting this knowledge now can make a positive difference on babies health that will last into their adult years.” It also recruited parenting bloggers to write articles on the topic and direct readers to the SMA website where the new SMA PRO is promoted. The “media doctor” Dr Ellie Cannon was offered up for interviews on the “changing protein composition of breast milk”. Dr Cannon, according to her website, is “best known for her weekly health column in the Mail on Sunday and her regular appearance on Sky News Sunrise”. If you have ever wondered why experts linked to formula companies speak on breastfeeding rather than, say, independent academics or experts from mother-support groups here is part of the answer.

The protein content of the new formula is 1.87g/100kcal (1.25 g/100ml), according to Nestlé. First Steps Nutrition says, “the difference is not sufficiently significant to differentiate it from all other brands; the difference in protein content between it and the brand with the next lowest protein content is 0.02g/100kcal (0.01g/100ml).” For analysis and guides to formula on the market see firststepsnutrition.org

Boots breaks law to push Danone's new Aptamil formula

Danone has launched new Aptamil PRO formula, with prominent displays across Boots stores. Baby Milk Action has received pictures showing the infant formula being promoted on the special displays, which is illegal.



Sometimes when challenged, managers have claimed it was a mistake to include the infant formula alongside the follow-on formula, which can be promoted. That said, the labels of the new formula do not comply with the requirement for infant formula and follow-on formula to be different. As before, they are designed to be cross-promotional (pg **).

ASDA refuses to tell customers Nestlé toddler milk claims misled them

Baby Milk Action won another case against misleading baby milk marketing in October 2014. Advertising Standards Authority (ASA) ruling (A14-263404) upholds our complaints about a joint Nestlé and ASDA email promotion for SMA



toddler milks (left).

The companies implied children might not get enough

of nutrients such as iron and Vitamin D unless they consumed the fortified milks.

The ASA warned the companies not to repeat the advertisement and *'told them not to state or imply that health could be affected by not consuming*

a product, or to give rise to doubt the nutritional adequacy of a reference product.'

We asked ASDA to email members of its Baby and Toddler Club with a correction, but ASDA said, *'the ruling doesn't require us to send an update.'* We also had to file another case against Nestlé as it repeated the claims in another promotion. The ASA added a note to its website saying Nestlé agreed to remove unspecified internet advertising after a complaint - but no fines or censure.

How do companies get away with it?

We have repeatedly exposed and reported illegal and misleading promotion by the same manufactures and distributors.

The Department of Health (DH) is responsible for marketing regulations and associated *Guidance Notes*. However, DH counts ASDA, Tesco, Nestlé and other formula marketers as *'partners'* in its *'Change4Life'* programme, asking these junk food sellers to voluntarily change practices that contribute to the rise in obesity. Over 2,000 people signed our petition presented to DH in August 2014 calling on it to end this conflict of interest.

We will keep on monitoring. You can help. Take a picture and send it to us - telling us where and when you took it - on Facebook or by email it to monitoring@babymilkaction.org

You can also contact the authorities responsible for enforcing the law (Trading Standards or Environmental Health). For advertising in print, broadcast or in public, you can also try the industry's own Advertising Standards Authority.



You will find information on the regulations in the monitoring section of our website - and order our **Monitoring Kit**, including **Spot it - Report it** cards.

Danone pushing growing up milk with misleading Vitamin D mission

The *Department of Health* and the *World Health Organisation* say that fortified follow-on and growing-up milks are unnecessary products. All the same, the *Royal National Orthopaedic Hospital* has teamed up with Danone to promote Cow & Gate growing-up milk through the Vitamin D Mission campaign.

The Vitamin D marketing website invites parents to take a test to see if their child might lack Vitamin D, asking whether they use 'fortified milk'. We have asked the hospital why it is endorsing Danone's marketing campaign and if it is aware of rulings against the misleading claims.



The *Advertising Standards Authority (ASA)* told Danone's subsidiary Nutricia in a ruling on 18 June 2014 (A13-238372) that its advertising for Cow & Gate Growing Up milk: *'must not imply or state that a young child's intake of vitamin D, and as a result their health, could be affected if they did not consume Growing Up Milk.'*

The ASA reports the Dept of Health warned of, *'potential adverse effects from excessive vitamin intake, and their recommendation for delaying supplementation was not intended to imply that formula was somehow superior to breast milk because it was fortified, or that formula (such as Growing Up Milk) should be used as a means of supplementing the diet. The DH's view was that Growing Up Milk was not necessary as infants could consume cow's milk from 12 months of age.'*

So why is *Royal National Orthopaedic Hospital* backing the conflicting message disseminated by the Vitamin D Mission marketing campaign?

Danone is also targeting nurseries, offering cash payments if they display posters and distribute booklets and vouchers for growing up milk. Jazzy media explains the campaign objective: *'Cow and Gate wanted to inform mums about their Growing-Up Milk in a safe and trusted environment... It was*

also important for mums to receive their discount coupon by hand to prompt trial/purchase.'

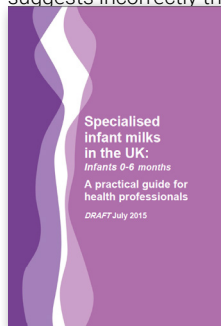
JFHC Professional has offered *Continuing Professional Development* training with a keynote speaker from Vitamin D Mission and exhibitors including Hipp Organic and Nestlé.



Confusing message from Start4Life

Mothers have been distressed to receive mobile phone texts from the *NHS Start4Life* campaign, stating: *'Babies need extra vitamins from 6 months, unless they have more than 500ml formula a day.'*

The UK policy on supplementation is for breastfed babies to be given vitamin drops from 6 months and formula-fed babies from about 10-12 months. The NHS wording is poor and suggests incorrectly that breastfed babies might



need formula. The recommendations are that breastmilk should be the main milk drink throughout the first year.

<http://www.nhs.uk/conditions/pregnancy-and-baby/pages/vitamins-for-children.aspx#close>

First Steps Nutrition Trust has excellent independent information on formulas and feeding. Specialised Infant

www.firststepsnutrition.org

Also great source of information

www.unicef.org.uk/BabyFriendly/

Order our poster on *Health workers, conflicts of interest and the baby feeding industry.*



This little booklet from WHO's Western Pacific Region includes some surprising pages about how industry manipulates policies.....www.wpro.who.int/nutrition/documents/docs/wpro_breastfeeding_obstacles.pdf

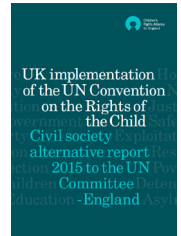
BIT on inequalities

'Breastfeeding is a natural safety net against the worst effects of poverty.....exclusive breastfeeding goes a long way towards cancelling out the health difference between being born into poverty or being born into affluence. It is almost as if breastfeeding takes the infant out of poverty for those few vital months in order to give the child a fairer start in life and compensate for the injustices of the world into which it was born.'

James P. Grant, Executive Director of UNICEF, 1980 - 1995

Whistleblowing

Aamir Raza - the protagonist in *Tigers* - has written to Dr Chan, the Director General of WHO, asking if WHO would respond more proactively today to some one like him. WHO referred Aamir to its new Whistleblower Policy. Unfortunately, although this can be used by people outside WHO, it is for blowing the whistle on WHO staff. Its not designed to encourage a WHO proactive response to concerns within its mandate. At the very least WHO should respect confidentiality. Ideally protection for whistleblowers should be an integral part of FENSA (see page7) Yasmine Motarjemi's article, *Whistleblowing: Food Safety and Fraud* (above) is an important read.



Julie Crawford Award 2014

Stephanie Heard (left in the picture) a Health Visitor in Redruth, Cornwall receives her award at our AGM in April. The judges are Obi Omadi (CPHVA), Patti Rundall (right) and Jane Neesam.



Farewell



We were sad to hear that one of our advisors and first Patron, Sheila Kitzinger, died in April, aged 86. Sheila has been a huge support since the early 1980s, speaking at press conferences and always ready to help. We'll miss her a lot.

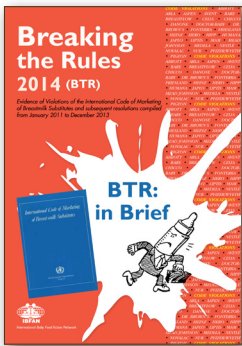
A shock to lose to André Nikiema (left in the picture on the right), IBFAN's Regional Coordinator for IBFAN Afrique who died in ??? André was so full of life and warmth and an invaluable hotline to the whole region.



Nestlé Chairman confirms formula marketing violations are Nestlé policy

Baby Milk Action attends Nestlé shareholder, in recent years alongside partners from IBFAN-GIFA. We raise ongoing violations of the *International Code of Marketing of Breastmilk Substitutes* and subsequent, relevant Resolutions of the World Health Assembly (WHA).

In 2014, Nestlé Chairman, Mr Peter Brabeck-Letmathé, asked Mr Luis Cantarell (President & CEO, Nestlé Health Science S.A. Executive Vice



President, Head of Nestlé Nutrition) to respond to the systematic violations documented in IBFAN's *Breaking the Rules 2014* report. He said,

'I can say that over 90% of your allegations they comply with our policies as the Chairman has already explained.'

This confirms that Nestlé policies and practices need to change to bring them into line with the Code and Resolutions.

These include labelling of infant formula with the claims it *'protects'* babies and is the *'gentle start'*.

Marking 150 years of Nestlé malpractice

Nestlé is celebrating its 150th anniversary in 2016. But this should also be a time of remembrance and repentance. In company mythology, Henri Nestlé saved the life of a neighbour's child through a flour, sugar and milk concoction, which he sold as *farine lactée*. This was soon being marketed around the world with the claim it prevents diarrhoea and vomiting. The assault on breastfeeding cultures began.

In 1905 Nestlé merged with the Anglo-Swiss Condensed Milk Company. This was marketed as *"ideal for delicate infants"*, leading to rickets, blindness and death. Dr Cicely Williams was moved to give a talk entitled *Milk and Murder* to the Rotary Club in Singapore in 1939, where the President of Nestlé was chair. Neither *farine lactée* nor condensed milk are suitable for infant feeding and many babies will have died during

this period through not being breastfed. Though it is not mentioned in the celebrations, subsequent Nestlé executives have admitted some practices were inappropriate. But for Nestlé malpractice is always historic; it will only apologise for today's practices in the decades to come.

We ran a campaign on Twitter with messages posted to the anniversary hashtag #150Nestle and took some of the messages with us to the shareholder meeting on 7 April 2016. We displayed posters with them where shareholder buses arrived. Inside the meeting we asked shareholders to observe a minutes silence for the babies that had died, but this was immediately interrupted by Mr Brabeck, and some shareholders who booed.

Call for Methodist Church CFB to be transparent

The Church Central Finance Board (CFB) holds a million pound investment in Nestlé. Despite this conflict of interest it sits on the Expert Committee for the FTSE4Good ethical investment index, which it says can ultimately, *'recommend inclusion or expulsion from the Index.'*

The Committee advised on weakening the criteria in 2010 to look to company policies rather than the Code and Resolutions.

The Methodist Conference in June 2015 received a report on Nestlé from the Joint Advisory Committee on the Ethics in Investment (JACEI). This was prompted by the Lancashire Diocese asking the year before for greater transparency on what the investment had achieved. The JACEI report explains the CFB encouraged Nestlé to apply to join FTSE4Good and that Nestlé weakened its policies prior to doing so, knowing it would be assessed against these rather than the World Health Assembly marketing requirements.

Prior to joining FTSE4Good Nestlé said it would not advertise brands used for infant formula. Now it advertises them widely, using them on milks for use from one year of age. Hence, the overall impact of the CFB engagement through the investment has been to weaken Nestlé policies.

Despite this, the report recommends continuing with the £1 million investment, so profiting directly from these more aggressive practices.

Oscar-winning director's feature film based on the true story of a Nestlé Pakistan baby milk salesman who took on the company with IBFAN's help

'Every 30 seconds a baby dies because it was not breastfed. One such bottle baby death occurred in Sialkot, Pakistan. When the doctor returned from attending the child and informing the parents, he found Syed Aamir Raza, a Nestlé Medical Delegate still waiting in his office. "Why did this child die?" Aamir asked the doctor. "Because of people like you," replied the doctor. So began a crisis of conscience which led to a young man taking on the World's Largest Food Company. It is a story of institutionalised malpractice and Aamir's struggle to be heard.'

So began our special feature on Aamir's story in our *Update 27* newsletter. Aamir resigned his job after learning of bottle baby deaths, but decided he had to do more to expose and stop Nestlé practices. When he ran into difficulties he came to IBFAN for help. IBFAN published the report *Milking Profits* based on Aamir's documentary evidence of bribing doctors, sales incentives and training days for the 'Tigers', Nestlé salesforce.

Oscar-winning director, **Danis Tanovic**, has now turned the story into a 90-minute feature film, dramatising Aamir's awakening, IBFAN's efforts to expose Nestlé and what happened next. His co-author was **Andy Paterson**, behind films such as *Girl with a Pearl Earring* and *The Railway Man*.

The character Ayan, based on Aamir, is played by **Emraan Hashmi**, a Bollywood star. **Danny Huston** and **Khalid Abdalla** play film makers attempting to tell Aamir's story. IBFAN is represented in the film as 'The HUB' and its director, Maggi, played by **Maryam D'Abo**, is an amalgamation of several IBFAN members including Tracey Wagner-Rizvi, Andreas Adelberger, Mike Brady and Patti Rundall. Mike and Patti were consultants to the film makers and vouch for its essential accuracy. Nestlé has said publicly that it will not be taking legal action against the producers.

Tigers received standing ovations at its world premiere at the *Toronto International Film Festival* on 8 September and *San Sebastian Film Festival* later that month, where it picked up its first award.

Nestlé refused to take part in a debate on the issues raised at the International Film Festival and Forum on Human Rights in Geneva on 27 February. Aamir and Mike Brady were joined

on the panel by another Nestlé whistle blower, Yasmine Motarjemi, former head of Food Safety at Nestlé, who was forced out of her job after raising concerns over lack of action on baby food contamination and other issues (page 19).



L-R: Empty chair for Nestlé (refused to attend), Mike Brady, Syed Aamir Raza, Alain Maillard (Moderator) and Yasmine Motarjemi,

"Writer-director Danis Tanovic explores the power of multinationals, the media and ethics in a finely crafted true-life story." The Hollywood Reporter

Francesco Branca Quote

Where to see Tigers

Tigers will be appearing in cinemas around the world. It will go on general release first in India, launch date to be announced. The film was only possible due to the backing of financier **Prashita Chaudhary** and producer **Guneet Monga**. It will then be released in other countries.

Prior to the launch, the film is being shown at film festivals. It was screened during the Breastfeeding Festival in the North West UK, in the **Wirral** on 25 June and in **Manchester** on 27 June. It will be at the **Take One Action** Film Festivals in **Edinburgh** and **Glasgow** on 18 and 19 September.

For tickets and news of other screenings, visit babymilkaction.org/tigers

We have postcards to promote the film, leaflets to hand out at screenings (right) and a booklet telling *Tigers - the True Story*.

Sign up for our email alerts and we'll keep you updated on developments.

What happens after Tigers?

Have you seen *Tigers*? This film by Oscar-winning director Danis Tanovic is based on the true story of former Nestlé Pakistan salesman taking on the baby milk industry with the help of IBFAN (the International Baby Food Action Network). Right: the real salesman, Syed Aamir Raza, with the announcement for the world premiere of the film in Toronto.

Aamir continued to expose Nestlé's practices after the events shown in the film. After Germany he launched his report in Switzerland, the UK and Canada. When it became clear that the authorities in Pakistan would not act against Nestlé, he sought refuge in Canada. It took 7 years and an IBFAN campaign before he was accepted and his wife and children could join him.

For more on the real events and what happened next, see babymilkaction.org/tigers



How to end this tragedy



1 Individuals can join Baby Milk Action and organisations can affiliate. Donations are welcome. Go to: babymilkaction.org

- Sign up to receive email alerts to keep updated and support campaign actions.
- Boycott Nestlé – and let the company know.

2 Companies should abide by the marketing requirements adopted through the UN

All companies should abide by the *International Code of Marketing of Breastmilk Substitutes* and other measures adopted by the World Health Assembly - even if governments have not put them into law. IBFAN monitoring shows all baby milk companies break the rules, with Nestlé and Danone standing out as the worst companies.



Support our campaigns
www.babymilkaction.org



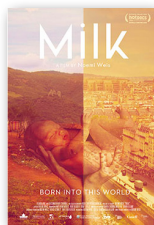
3 Companies should stop employing Infant Nutrition staff to target health workers, pregnant women and mothers.

These roles self-evidently exist to promote breastmilk substitutes. Health workers should maintain their independence and not accept gifts and sponsorship. Peer-reviewed information on products can be obtained through independent sources that do not have a vested interest in promoting products.

4 Governments should enforce the marketing rules – over 70 have now done so, but it is not enough. Policy makers should maintain their independence from formula companies when drafting laws.

Governments should not expect corporations to act voluntarily, but set a level playing field for them all by introducing and enforcing regulations. These should be developed through a process of consultation to achieve what is necessary to protect health, not negotiated with corporations and watered down to what they are prepared to accept.

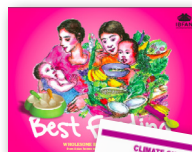
New Resources



MILK This must see documentary by Naomi Weiss features Gabrielle Palmer and several IBFANers. To host a private screening: <http://milkhood.com>

NEW IBFAN ASIA PUBLICATIONS:

Best Feeding – Wholesome Baby Food Recipes from Asian homes to complement breastfeeding <http://bpni.org/reports>



Formula for Disaster IBFAN Asia's new report is packed with useful facts: 800 litres of water are needed to make one litre of milk, 4700 litres for one kilo of milk powder. A shorter 4-page brochure, *Climate Change and Health* is also available <http://bpni.org/reports>



First Steps Nutrition Trust's new draft report, *Specialised Infant Milks in the UK* is now available, along with a host of other brilliant resources: <http://firststepsnutrition.org>



Nestlé-Free Kit: £10 All you need to campaign: 10 each of product lists and *Nescafé - no thanks* cards - credit card size; 3 *Tigers* postcards; 2 A4 sheets showing Nestlé promotion around the world; 2 A4 posters with the *Nestlé-Free Zone* logo; 2 keyrings; 2 fridge magnets; 48 stickers.

PowerBar is delisted. **Lyons Maid** is still on.

www.babymilkaction.org/shop



The benefits of membership

If you value Baby Milk Action's work, please join.

Membership benefits include:

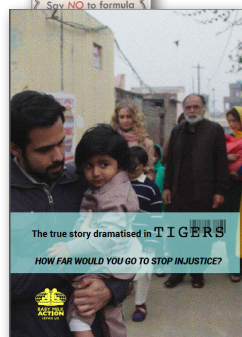
- A membership pack on first joining
- This newsletter (available online, printed copies sent to members who want it)
- Access to exclusive content on our website, including modules in our online course on baby food marketing regulations
- Invitation to special events, such as

screenings of the *Tigers* film and special deals on merchandise.

Membership fees are essential for our continued operation.



The true story dramatised in Tigers.
Full colour 20-page A4 brochure
£10



Diary dates: 2015

16, 19th July London Indian Film Festival

18th September Glasgow Film Theatre, 19 September, Edinburgh Film House, Barbican London 11-20 September

27 October - 2 November 2014
International Nestlé-Free Week

Protecting breastfeeding - Protecting babies fed on formula