

Stretching the Rules

June 2014 to June 2017



CODE VIOLATORS • ABBOTT
ARLA • ASPEN • CELIA • DANONE
• FRIESLAND • FONTERRA •
FRANCE LAIT • HEINZ • HERO
• HIPPI • HUMANA • LIPTIS •
LACTALIS • MEAD JOHNSON
• NESTLÉ • NOVALAC • WYETH •
AVENT • CHICCO • DR. BROWN'S
• LANSINOH • MAM • MEDELA •
MUNCHKIN • NUK • NUBY • PIGEON
• PHYSIOLAC • SODILAC • TOMMEY
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Breaking the Rules Stretching the Rules 2017

Evidence of Code Violations
from June 2014 to June 2017



INTERNATIONAL
C O D E
DOCUMENTATION CENTRE

**International Baby Food Action Network
International Code Documentation Centre**

Breaking the Rules, Stretching the Rules 2017
*Evidence of Violations of the International
Code of Marketing of Breastmilk Substitutes
and subsequent resolutions.*

Breaking the Rules 2017 is based on results of worldwide continuous monitoring between June 2014 to June 2017.

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Introduction

Breaking the Rules, Stretching the Rules 2017 (BTR 2017) reports on company violations observed from 2014 to 2017. The Rules are the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions (the Code). IBFAN groups and individuals submitted these reports to ICDC using its online monitoring form or its monitoring smartphone app (www.ibfan-icdc.org/report). Entries not sufficiently substantiated by evidence were rejected. BTR 2017 uses a qualitative monitoring approach and allows for naming companies. Our report reveals only the tip of the iceberg.

A total of 792 Code violations from 79 countries and by 28 companies are reported in this 11th edition of the BTR. Organised by company, entries are then sub-categorised into Code provisions by country. Background information of each company is included from our own in-house research for readers to get a general understanding of the marketing policy and strategies of each company. Marketing themes are identified, including practices that “stretch the Rules” and practices that give rise to conflicts of interest, a major cause of concern. BTR 2017 shows how companies challenge public interest, interfere with public health recommendations so as to influence parents’ decisions on infant and young child feeding, and weaken governments’ ability to regulate unethical and unlawful corporate practices.

The report begins with an overview of the International Code and subsequent relevant WHA resolutions (including the latest WHO **Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children**). There is also a special page on claims, yet another strategy that companies use indiscriminately to promote products, in the absence of national regulation. For selected companies, there are special country reports “*Look What They’re Doing*”. For Nestle and Danone, a detailed analysis of their Code compliance policy manuals as compared to the Code, is included in the parts entitled “*Where Do They Differ*”.

This edition of “*Breaking the Rules, Stretching the Rules*” is intended to **name and shame** companies and hold them accountable. It is also a useful tool to advocate for better health governance, form the basis for amendments or new laws, help governments, international agencies and NGOs make appropriate policy decisions, provide guidance on ethical investments, and for verification of self-monitoring initiatives by companies.

Breastfeeding saves lives and its benefits prevail throughout life. As long as the Code is being violated, protection of breastfeeding is impossible. Thanks to IBFAN-ICDC’s friends and supporters, independent monitoring of **Code compliance** has been carried out year after year to **promote transparency and accountability. Voluntary community monitoring is essential.**

BACKGROUND

The International Code was developed by WHO and UNICEF and adopted in 1981 as a “minimum” standard to help protect and promote breastfeeding in all countries and to ensure breastmilk substitutes are used safely when necessary. The Code is intended to protect all mothers and babies, however they feed.

The Code’s preamble explains that “*the marketing of breastmilk substitutes requires special treatment which makes usual marketing practices unsuitable for these products*”.

The Code, summarised on pages **x** to **xii**, spells out which marketing practices should be discontinued.

Since its adoption, the Code has been re-affirmed by the World Health Assembly (WHA) on at least 18 occasions and new resolutions with the same legal status as the Code have been adopted to clarify and extend certain provisions.

SCOPE

BTR 2017 covers promotion for products under the scope of the International Code of Marketing of Breastmilk Substitutes. The scope covers all formula products marketed for infants and young children (0-36 months) including growing-up milks and complementary foods when marketed for babies below 6 months. Feeding bottles and teats are also covered.

Stretching the Rules. There is a small section under each company chapter covering practices involving products which do not come under the scope of the Code but which undermine breastfeeding or which give rise to conflicts of interest.

Executive Summary

This 2017 Report, *Breaking the Rules*, highlights how marketing practices violate the International Code and relevant WHA resolutions. The illustrated violations provide undeniable proof that baby food companies continue to undermine breastfeeding and optimal infant and young child feeding. Although 72 countries have now adopted all or nearly all of the Code as national law, enforcement is patchy and the promotion of breastmilk substitutes is still wide-spread. Independent monitoring, such as this report, brings violations into public scrutiny and holds companies to account. Matters would be much worse otherwise.

In addition to conventional means of promotion: advertising, discounts and gifts to parents, providing samples and donations to healthcare facilities, enticing health professionals, companies are now competing with breastfeeding in new ways that are harder to 'pin down'. Old and new promotional tactics aim to influence doctors and parents with misleading information and create an environment that justifies bottle feeding to increase corporate profits.

Here are some of the new trends in commercial promotion we have learnt in the process of recording the violations.

■ **Raising conflicts of interest to new levels.** In addition to sponsoring medical conferences and professionals for continuing education, companies portray themselves as 'ambassadors of breastfeeding and infant nutrition'. Their activities range from breastfeeding promotion, scientific research on breastfeeding and breastmilk, financing breastfeeding rooms at corporate offices and hospitals, to partnering with community organisations and governments in public health programmes. Such public-private partnerships (PPPs) have become endemic.

For instance, the Nestlé-sponsored Kartini Programme in Indonesia and the Projects for Nutrition Improvement in Vietnam sponsored by Abbott, are a means for these companies to use high profile 'support of breastfeeding and infant and young child nutrition' as bargaining chips to turn the tables and increase sales. Many more companies have set up "Nutrition Institutes" which claim to be non-commercial organisations working to improve public health. Meanwhile, their parent companies increase sales.

Companies joining hands with healthcare facilities, academic institutes, community NGOs and government programmes exacerbate conflicts of interest. Such industry infiltration compromises the integrity of institutions and programmes whose primary duty ought to be the promotion of breastfeeding and service of public health.

Despite WHA resolutions on conflicts of interest, more health professionals are now being drawn into industry-sponsored associations, which act systemically as conduits between companies and the public, or even between companies and governments. In Nigeria, as in many countries, paediatric associations readily accept Nestlé support for exhibitions, seminars and meetings on infant and young child topics. In Colombia,

"Women produce around 23 billion litres of human milk a year worldwide, a 'health food' for babies and young children that is far better than anything from industry. Breastmilk is so valuable that health services in other countries pay hundreds, even thousands of dollars a litre for it. No country can afford to waste this valuable human resource."

Dr Julie P. Smith
Australian National University
Canberra



Comfortable breastfeeding room...
with poster reminding users of AVENT
feeding bottles.



August 2017, Nestlé launches "United for Breastfeeding" in Mexico by opening 20 breastfeeding rooms in public hospitals with the promotional slogan "Start Healthy, Stay Healthy".

Nestlé ‘guides’ the healthcare system and professionals by sponsoring the co-production of the “*Guide to Clinical Practice in Neonatology*” published by the Ministry of Health and Social Protection in collaboration with the Colombian Association of Neonatology.



HK doctor, representing a Wyeth-sponsored child nutrition advisory group, insinuated that there is not much difference between formula and breastmilk. A rep for HKIYCNA, also a speaker at the same interview, expressed doubt about the scope of the Code, calling it too strict.

■ **Hijacking public health campaigns.** Companies have been building a “health expert” image to gain trust and goodwill from the public. Already in 2014, we reported that Nestlé and Danone had hijacked UNICEF’s 1000 Days Campaign; it proved to be a good tool for promotion and they continue to ride on it. In China, Nestlé portrays its 1000 Days Initiative as a campaign which provides “*excellent care for 1000 days, excellent lifetime protection*”. It artfully combines the Initiative with its “*Start Healthy, Stay Healthy*” slogan to project Nestlé as health and nutrition champion from pregnancy to two years of age. Wyeth partners with the National Institutes of Health (NIH) in the US to conduct studies on infant and young child brain development, capitalising on the prestige of the NIH to burnish its image as a child health expert.

■ **Claiming Code compliance.** Many companies put eye-catching statements on their websites and in brochures to state their support for breastfeeding and their compliance with the International Code. However, most of them only acknowledge the importance of exclusive breastfeeding up to 6 months, omitting the linked global recommendation of continued breastfeeding for two years and beyond. In other words, they acknowledge the absolute ban on promotion before 6 months but imply the period after is open market space.

Nestlé and Danone have both produced their own versions of a ‘Code Manual’ to instruct employees on Code compliance. In the “*Where Do They Differ?*” sections, we take a closer look at both these companies’ attempts to convince the public that they abide by the Code. Our analysis shows that their statements are fraught with inconsistencies, misrepresentations and gaps when compared to Code provisions. For example, both have divided the world into ‘high-risk and low-risk’

Trade associations as industry ‘fronts’

In recent years, new organisations, have been set up to act as ‘fronts’ to promote industry interests in infant and young child nutrition programmes and policies.

It is common to see trade associations like the Hong Kong Infant and Young Child Nutrition Association (HKIYCNA) working to derail Code implementation like in this TV talk show when Hong Kong was consulting the public on a national code.

Other trade associations in the region known to be active in opposing strong Code measures are the Asia Pacific Infant and Young Child Nutrition Association (APIYCNA), and the Infant and Paediatric Nutrition Association of the Philippines (IPNAP).

Their ‘neutral-sounding’ or even ‘pro-public health sounding’ names conceal direct links to baby food companies. Yet we know they work to influence policy making and public opinion on behalf of industry.



countries and have changed the applicability of each Article of the Code accordingly, gearing toward opening up channels for promotion. The Code does not distinguish between countries and is applicable in all.

■ **Distorting public health recommendations.** Companies are forever finding new ways to try and wiggle their way around the International Code. The Code clearly distinguishes between breastmilk substitutes and complementary foods. However, in India, **Nan Pro 2** follow-up milks and **Nan Pro 3** growing-up milks are now mysteriously labelled as “Follow-Up Formula - Complementary Food”. The only justification may be in a 2017 ESPGHAN paper that corroborates Nestlé’s curious labelling. It states: *“anything other than breastmilk is defined as a complementary food; thus, infants who receive infant formula are considered to have started on complementary food, even if this is from birth”.*

Under the International Code and WHO Guidance, promotion of complementary foods is only allowed under strict conditions even if they are recommended for after six months. But it does ban promotion of all milks fed to babies up to three years. By renaming liquid follow-up milks and growing-up milks as complementary foods, companies are clearly attempting to justify promotion of products that are under the scope. It is akin to selling alcohol where this is banned, by labelling it as water. This flagrant attempt to promote products under the scope, may also point to companies and professional associations working hand in glove.

■ **Unfounded health claims.** Claims have become a prime marketing tool. Adding complicated ingredients to formula gives rise to ever more health claims protecting the baby from everything and anything. Many of these additives are then used as trademarked logos, mascots or benefit icons, to protect the company’s exclusive usage. More importantly, such logos and icons serve to push ‘fortified’ or “premiumised” formulas without having to use brand names, circumventing the Code. Whether trademarked or not, logos or icons that represent health claims or formulas are still prohibited by the Code.

[BTR 2017 contains a full page on claims. (See p. **xiii** for: Outrageous Claims)]

■ **Technological advances influence consumers.**

New gadgets and electronic means of communications, social media and phone apps have become more effective marketing tools than the traditional media such as television, magazines and radio. The new tools enable companies to contact parents, collect personal information and carry out promotional activities. Companies also use social media such as Facebook, Instagram, and YouTube to reach parents and health professionals. Built-in features on social media such as hash-tagging, (re)posting, sharing, liking and commenting are transforming promotion, making it ever more interactive, participatory, and personal.

“Global sales of breastmilk substitutes total US\$ 44.8 billion, and this number is expected to rise to US\$ 70.6 billion by 2019.”

Marketing of breastmilk substitutes: National implementation of the International Code, Status Report 2016 -WHO, UNICEF, IBFAN

http://www.who.int/nutrition/publications/infantfeeding/code_report2016/en/



“Fortified milks are frequently high in sugar and are likely to contribute to higher energy intakes ... and more chronic disease ... the voluntary fortification of foods and drinks needs to be questioned as there is increasing evidence that giving additional nutrients to those who do not need them may have adverse consequences.”

First Steps Nutrition Trust
www.firststepsnutrition.org/newpages/fortified_milks_for_children.html



Data provided by mums will enable the company to tailor its promotion to match the different stages of development of these women's children.

The resulting new ‘influencer marketing’ can go viral within minutes, reaching hundreds of thousands of people conveniently, freely, and effortlessly. For example, in Australia, Nestlé together with socialsoup.com, an influencer community that uses “*peer-to-peer influencing strategy*”, promotes Cerelac by recruiting mothers to test it and instructing them to post pictures and videos on social media with the #SolidsJourney hash tag. This makes mothers themselves promote and recommend products. Their posts are fed back into live campaign hubs and onto the Australian Nestlé Baby website. In 3 years, 27,000 mums were given Cerelac and became unwitting brand ambassadors, with 2,614 posts on Instagram.



In Australia, 27000 mums were given **Cerelac** samples and became unwitting brand ambassadors. Nestle achieved a 33% growth in its market share.

■ **Inappropriate promotion.** The WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children, issued in May 2016, reaffirms that toddler milks, also called growing-up milks (GUMs) fall within the scope of the International Code. All companies covered in this report still act as if GUMs were not under the scope and unabashedly violate the Code & the Guidance by promoting such milks. The Guidance also forbids the promotion of breastmilk substitutes via complementary foods promotion. Cross-promotion, through similar packaging designs, colour schemes, labelling, and icons, is still a common marketing tactic.



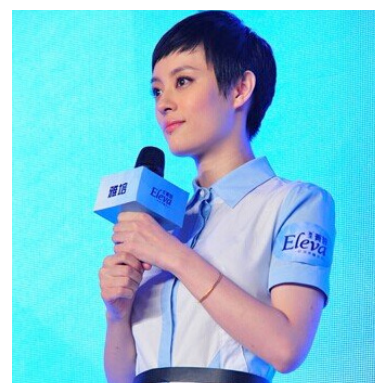
In Hong Kong, huge ads for Cow & Gate toddler milks line the walk ways in metro stations; they are also on buses and in shops so no mother could miss the message that she needs to buy Cow & Gate for her child's optimum growth and development.

■ **All eyes on China and Russia.** Our “*Look What They're Doing*” sections report on aggressive marketing of breastmilk substitutes in China and Russia. In both these countries, growing disposable incomes and rising birth rates have triggered higher spending on milk formula, especially on premium brands that portray ideas such as “*intelligence*”, “*elite*”, “*excellence*”. China, with increased spending power of the middle and ‘nouveau riche’ classes, continues to be the most attractive market. It is expected to grow at a 14% compound annual growth rate, gaining US\$15 billion in absolute retail value every year. In Russia, parents remain reluctant to cut expenditure on baby foods. This category was among the least affected by the economic downturn. Baby food sales there are expected to reach US\$4 billion by 2021.



Russian famous athlete, Laysan Utiasheva promotes Danone's **Malyutka 3** on her lively shows and YouTube.

■ **Conclusion.** BTR 2017 shows how companies persist in the promotion of baby foods. Now that the Code has regained some of its shine of the past, commercial promotion is increasingly subtle and insidious, but no less effective. Only enforceable laws, properly monitored, can level the playing field in support of breastfeeding. Thirty-six years on, since the adoption of the Code, we find ourselves still fighting that old battle in a new world.



Launch of **Eleve** in China by top actress Sun Li, appointed by Abbott as brand ambassador.

THE INTERNATIONAL CODE & SUBSEQUENT WORLD HEALTH ASSEMBLY RESOLUTIONS

“...In view of the vulnerability of infants in the early months of life and the risks involved in inappropriate feeding practices, including the unnecessary and improper use of breastmilk substitutes, the marketing of breastmilk substitutes requires special treatment, which makes usual marketing practices unsuitable for these products”

– Code Preamble

SUMMARY

The International Code was adopted by the World Health Assembly on 21 May 1981. It is intended to be incorporated in national legislation as a minimum requirement and aims to protect infant health by preventing inappropriate marketing of breastmilk substitutes.

Member States are urged to strengthen implementation of the International Code of Marketing of Breastmilk Substitutes and subsequent relevant Health Assembly resolutions by scaling up efforts to monitor and enforce national measures in order to protect breastfeeding while keeping in mind the World Health Assembly resolutions to avoid conflicts of interest.

WHA 61.20 [2008] reiterated in WHA 63.23 [2010] & WHA 65.60 [2012]

SCOPE

The Code covers the marketing of the following products:

- Infant formula, including special formulas such as soy formula, lactose-free formula, low-birth-weight/premature formula.
- Other milk products, food and beverages that are represented as suitable for use as a partial or total replacement for breastmilk such as bottle-fed complementary foods, therapeutic milks, follow-up milks* and growing-up milks* marketed for babies between six months to two years or beyond.
- Any other food or beverage that is represented as suitable to be fed to infants less than six months old such as cereals, jarred foods, infant teas, juices and bottled water.
- Feeding bottles and teats.

Art. 2 & WHA 39.28 [1986], WHA 49.15 [1996], WHA 54.2 [2001]

*Guidance A69/7 Add.1

PROVISION OF CLEAR INFORMATION

Information and educational materials on infant and young child feeding should include clear and consistent information on:

- a) the benefits and superiority of breastfeeding;
- b) maternal nutrition and the preparation for and maintenance of breastfeeding;
- c) the negative effect on breastfeeding of introducing partial bottle feeding;
- d) the difficulty of reversing the decision not to breastfeed; and
- e) where needed, the proper use of infant formula.

When such materials contain information about the use of infant formula, they should include:

- the social and financial implications of its use;
- the health hazards of inappropriate foods or feeding methods;
- the health hazards of unnecessary or improper use of infant formula and other breastmilk substitutes.
- No pictures or text which may idealise the use of breastmilk substitutes.

Articles 4.2 & 7.2

- Health workers, parents and other caregivers must be provided with information that powdered infant formula may contain pathogenic microorganisms and must be prepared and used appropriately.
- Governments must avoid conflicts of interest in infant and young child health programmes, so infant and young child feeding materials sponsored by baby food companies should not be approved.

WHA 49.15 [1996] & WHA 58.32 [2005]

NO PROMOTION TO THE PUBLIC

There should be no advertising or other form of promotion of products including point-of-sale advertising, giving of samples or any other promotional device to induce sales directly to the consumer at the retail level. Marketing personnel should not seek direct or indirect contact with pregnant women or with mothers of infants and young children

Article 5

There should be an end to inappropriate promotion of food for infants and young children.

WHA 63.23 [2010], Guidance A69/7 Add.1, WHA 69.9 [2016]

NO GIFTS TO MOTHERS OR HEALTH WORKERS

Manufacturers and distributors should not distribute to pregnant women or mothers of infants and young children any gifts which may promote the use of products. No financial or material inducements to promote products should be offered to health workers or members of their families.

Articles 5.4 and 7.3

Financial support and other incentives for programmes and health professionals working in infant and young child health should not create conflicts of interest. Research on infant and young child feeding which may form the basis for public policies should contain a declaration relating to conflicts of interest and be subjected to independent peer review.

WHA 49.15 [1996] & WHA 58.32 [2005]

NO PROMOTION IN HEALTH CARE FACILITIES

Facilities of health care systems should not be used to promote products. Nor should they be used for product displays or placards or posters concerning such products, or for the distribution of materials bearing the brand names of products.

Articles 6.2, 6.3 & 4.3

NO PROMOTION TO HEALTH WORKERS

Information provided to health professionals by manufacturers and distributors should be restricted to scientific and factual matters, and should not imply or create a belief that bottle feeding is equivalent or superior to breastfeeding. Samples of products or equipment or utensils for their preparation or use, should only be provided to health workers for professional evaluation or research at the institutional level.

Articles 7.2, 7.4 & WHA 49.15 [1996]

THE INTERNATIONAL CODE & SUBSEQUENT WORLD HEALTH ASSEMBLY RESOLUTIONS

(... continued from p. x)

NO FREE SAMPLES OR SUPPLIES

Product samples should not be given to pregnant women or mothers of infants and young children. Free or low-cost supplies of products are not allowed in any part of the health care system.

In emergency relief operations, donated supplies should only be given for infants who have to be fed on breastmilk substitutes. Such supplies should continue for as long as the infants concerned need them and not be used as a sales inducement.

Note: Articles 6.6 and 6.7 of the Code have been superseded by WHA 39.28 [1986], WHA 45.34 [1992] & WHA 47.5 [1994]

National and international preparedness plans and emergency responses need to minimise the risks of artificial feeding, by ensuring that any required breastmilk substitutes are purchased, distributed and used according to strict criteria.

WHA 63.23 [2010]

NO PROMOTION OF COMPLEMENTARY FOODS BEFORE THEY ARE NEEDED

It is important that infants be exclusively breastfed for 6 months and only receive safe and appropriate complementary foods thereafter. Every effort should be made to use locally available and sustainable foods. Marketing of complementary foods should not undermine exclusive and sustained breastfeeding. Breastfeeding should continue for up to two years and beyond.

Code Preamble, WHA 39.28 [1986], WHA 45.34 [1992], WHA 47.5 [1994], WHA 49.15 [1996], WHA 54.2 [2001] WHA 58.32 [2005] & WHA 63.23 [2010] Guidance A69/7 Add.1, WHA 69.9 [2016]

ADEQUATE LABELS: CLEAR INFORMATION, NO PROMOTION, NO BABY PICTURES

Labels should provide information about the appropriate use of the product, and not discourage breastfeeding. Infant formula containers should carry a clear, conspicuous and easily readable message in an appropriate language, which includes all the following points:

- the words "Important Notice" or their equivalent;
- a statement about the superiority of breastfeeding;
- a statement that the product should only be used on the advice of a health worker as to the need for its use and the proper method of use; and
- instructions for appropriate preparation, and a warning of the health hazards of inappropriate preparation.

Neither the container nor the label should have pictures of infants, or other pictures or text which may idealise the use of infant formula. The terms 'humanised', 'maternalised' or similar terms should not be used.

Articles 9.1 & 9.2

Nutrition and health claims are not permitted for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation.

WHA 58.32 [2005] & WHA 63.23 [2010]

Where applicable, information is to be conveyed through an explicit warning on packaging that powdered infant formula may contain pathogenic microorganisms and must be prepared and used appropriately.

WHA 58.32 [2005]

FOOD SAFETY & QUALITY

Member States, as a matter of urgency should: ensure that the introduction of micronutrient interventions and the marketing of nutritional supplements do not replace or undermine support for the sustainable practice of exclusive breastfeeding and optimal complementary feeding.

WHA 55.25 [2002]

WHO/FAO guidelines on safe preparation, storage and handling of powdered infant formula should be applied and widely disseminated in order to minimise the risk of bacterial infection and, in particular, ensure that the labelling of powdered formula conforms with the standards, guidelines and recommendations of the Codex Alimentarius Commission.

Member States to take food safety measures including regulatory measures to reduce the risk of intrinsic contamination.

WHA 61.20 [2008]

Note: FAO/WHO Guidelines for the safe preparation, storage and handling of powdered infant formula are obtainable from <http://www.who.int/foodsafety/publications/micro/pif2007/en/index.html>

COMPANIES MUST COMPLY WITH THE INTERNATIONAL CODE

Independently of any other measures taken for implementation of the Code, manufacturers and distributors should be responsible for monitoring their marketing practices according to the principles and aim of the Code and take steps to ensure that their conduct at every level conforms to all provisions above.

(Article 11.3)

Monitoring the application of the International Code and subsequent Resolutions should be carried out in a transparent, independent manner, free from commercial influence.

WHA 49.15 [1996]

Manufacturers and distributors to comply fully with their responsibilities under the Code and resolutions.

WHA 63.23 [2010]

Note: For the full text of Code and resolutions, see:
http://www.who.int/nutrition/publications/code_english.pdf
http://www.who.int/nutrition/topics/wha_nutrition_iycn/en/



WHO Guidance on Ending Inappropriate Promotion of Foods for Infants and Young Children (A 69/7 Add.1)

In May 2012, resolution WHA 65.6 requested the Director-General of WHO “to provide clarification and guidance on the inappropriate promotion of foods for infants and young children” cited in resolution WHA 63.23 [2010]. A series of consultations resulted in a Guidance on the inappropriate promotion of foods for infants and young children (A69/7 Add.1). In May 2016, Member States adopted resolution WHA 69.9 [2016] that calls on countries to implement Guidance 69/7 Add.1. This is in response to a growing body of evidence which shows that the promotion of breastmilk substitutes and some commercial foods for infants and young children undermines optimal infant and young child feeding.

The Guidance serves as a complement to existing tools, such as the Code and subsequent relevant WHA resolutions, as well as the Global Strategy on Infant and Young Child Feeding. It encourages Member States to develop stronger national policies that protect children under the age of 36 months from marketing practices that could be detrimental to their health.

The Guidance targets all commercially produced foods and beverages that are marketed as suitable for feeding infants and young children aged 6–36 months. It contains the following implications for the Code :

- Clarification that “**follow-up formula**” and “**growing-up milks**” **fall under the scope of the Code** and should not be promoted.
- Recommendation that messages on complementary foods should always include a statement on the **need for breastfeeding to continue through 2 years** and **that complementary foods should not be fed before 6 months**.
- Recommendation that companies should not provide any information for health workers on foods for infants and young children other than that which is **scientific** and **factual**.
- Recommendation that the labels and designs on products other than breastmilk substitutes need to be **distinct** from those used on breastmilk substitutes to **avoid cross-promotion**.
- Recognition that any **donations** to the health care system (including health workers and professional associations) from companies selling foods for infants and young children, represent a **conflict of interest** and should not be allowed.
- Recommendation that sponsorship of meetings of health professionals and scientific meetings by companies selling foods for infants and young children should not be allowed in the health system.

Promotion of foods for infants and young children is inappropriate if it:

- undermines recommended breastfeeding practices;
- contributes to childhood obesity and non-communicable diseases;
- does not make an appropriate contribution to infant and young child nutrition in the country;
- undermines the use of suitable home-prepared and/or local foods; and
- is misleading, confusing, or could lead to inappropriate use.

Discussion paper: Clarification and Guidance on Inappropriate Promotion of Foods for Infants and Young Children

Decision* WHA67(9)

In 2014, the World Health Assembly adopted a decision on maternal, infant and young child nutrition that focused on indicators to monitor Maternal, Infant and Young Child Nutrition and to achieve global nutrition targets, including Code implementation.

The indicator for regulation of marketing is the number of countries with legislation or regulations fully implementing the International Code of Marketing of Breastmilk Substitutes and subsequent relevant WHA resolutions. The reason is that, in the absence of Code implementation with adequate monitoring mechanisms, little progress is seen in increasing breastfeeding rates.

* Under Article 23 of the WHO Constitution, the normative weight given to resolutions and decisions is the same.

¹ http://apps.who.int/gb/ebwha/pdf_files/WHA69/A69_R9-en.pdf (accessed 31/7/2017)

² The International Code of Marketing of Breast-milk Substitutes: Frequently Asked Questions (2017 Update), Geneva, Switzerland, World Health Organization; 2017. Licence: CC BY-NC-SA 3.0 IGO.

Outrageous CLAIMS

Companies have always tried to market their cows-milk based baby milks as similar to breastmilk. In 1981, the Code attempted to put a stop to this by prohibiting terms like “humanised”, “maternalised” or similar but the trend to imitate breastmilk and “humanise” formula did not stop. In 1982, for example, a Japanese company, Snow, advertised its **P7** brand as “*Newly Formulated Infant Milk Based on the Results of Intensive Research on Mother’s Milk*”.

Fast forward 35 years to 2017, and see Nestlé Spain making headlines claiming it had managed to replicate two human milk oligosaccharides (HMO) molecules and was using them in its **NAN Optipro** formula. ICDC’s monitoring reveals, however, that both Danone and Abbott were using these HMOs before Nestlé.

Marketing has also become increasingly ‘clever’ with claims about benefits of additives on infant health. In 2005, WHA adopted a resolution banning nutrition and health claims on breastmilk substitutes and this was reiterated in 2010 to cover foods for infants and young children. In 2017, JAMA published a study¹ which states. “*It was time to ask whether there are data to support these claims*”. The review of 15 studies on long-chain polyunsaturated fatty acids (e.g. DHA and ARA), claimed to “*support brain development*”, shows no benefit.

The study also states that formulations such as low-lactose formulas and those containing prebiotics for immune system support are marketed without independent scientific consensus on their benefits. From ICDC’s monitoring, examples include Nestlé’s **NAN Sensitive Formula**, **Physiolac**’s range of formulas to boost the immune system and digestive system, and Danone’s Cow & Gate **Nutriscare** that claims to improve gut flora.

Not only are these additives making formula products very expensive, more often than not, they are not well absorbed. Companies are using additives to compare with ingredients found in breastmilk so as to mislead parents into believing that these formulas are equivalent or better than breastfeeding. The complexity of adding specific amounts of additives greatly increases the risk of contamination.



Argentina 2017 - Mead Johnson claims world leadership in “mental development” with its additives at work in four key areas of the child’s brain from infancy to toddler age
Whatever next?

“These ingredients come with marketing claims, such as “fostering cognitive development” and “supports digestive health.” For many claims there is no evidence available to the public, and when the results of randomized trials are made public, we learn that they are limited by small sample sizes, poor follow-up, and provide unpersuasive results. One recent study found that more than half of the 22 infant formula products reviewed were marketed with claims, none were backed by publicly available scientific evidence.”

¹Hughes, et al. Marketing Claims for Infant Formula: The Need for Evidence. JAMA pediatrics, 2017.

A few examples of the appalling health claims reported in BTR 2017:

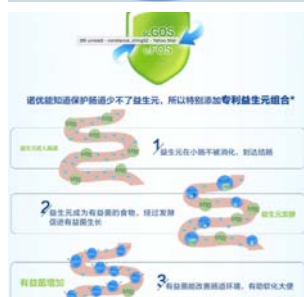


Similac (Abbott) **Total Comfort**’s “**Tummi Care**” has GOS (galactooligosaccharides) as an ingredient and claims that it makes it easy-to-digest, gentle on tummies. **Intelli-Pro** and **Eye Q-Plus** claim to support brain and eye (or IQ) development. **Similac’s OptiGRO** contains a unique blend of DHA, lutein and vitamin E that “*helps the baby’s brain, eyes and development*” and growth, especially during the first year. (Cambodia)

Danone’s **Nutrilon** has a shield-like icon encompassing the “scGOS” and “lcFOS” formulations and claims that “*Prebiotics are necessary to protect intestinal health, therefore we have especially added our patented prebiotic combination*” and “*a scientific dose of DHA for your baby’s later-stage cognitive development*”. (China)

Mead Johnson’s premium **Enfinitas** range states that it contains DHA, lactoferrin and MFGM (milk fat globule membrane) to benefit “the multiple aspects of the little brain”. It plays on parents’ fears when it asks, “*Is your baby taking in enough DHA?*”

The tactic of using claims to promote brands is highly effective and should be regulated as it is so deceptive and misleading.



ABBOTT

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

Abbott Laboratories
100 Abbott Park Road
Abbott Park,
Illinois 60064-3500
USA

www.Abbott.com

BRANDS

Eleva
Isomil
Similac
PediaSure

LOGOS & ICONS



GENERAL INFORMATION

Abbott divides its core businesses into four major areas – nutrition (including paediatric nutrition), diagnostics, medical devices and pharmaceuticals. The company derives its revenue equally from developed economies as well as emerging markets and it takes the long view that there is potential in emerging markets where billions of people spell high volume needs and opportunities. Abbott is growing its presence in these markets to capture and build on emerging technological, demographic social and economic trends.

In its 2015 Annual Report, Abbott announced that it has -

1. delivered the second highest total shareholder return of all the companies on the S&P 500 Index (212%) since 1957;
2. been named to the Dow-Jones Sustainability Indexes, the world's top recognition for leadership in responsible economic, environmental, and social performance, for the 11th consecutive year;

3. been named as industry's Most Admired Company in Fortune magazine's annual ranking for the third year in a row.

No where in the 2015 Annual Report was there any mention of its bad track record in Code compliance. All past editions of **Breaking the Rules, Stretching the Rules (BTR)** show Abbott to be a systematic and continuous Code violator. In the Access to Nutrition Index(ATNI) Global 2016 Report (https://www.accesstonutrition.org/sites/2015.atnindex.org/files/atni-global-index-2016_2.pdf; p.150), Abbott achieved only 14% compliance with the ATNI BMS methodology while Abbott's Infant Formula Policy is no longer available online. Requests sent to Abbott directly for its infant formula policy went unanswered. Past assessment of Abbott's policy shows that it applies to infant formula globally. Only in 'higher-risk' countries does it apply to follow-on formula and complementary food. Its policy does not apply to growing-up milks. It also does not pledge to follow its own commitments in countries where regulations are weaker than those commitments.

In 2015, a campaign for Abbott's premier brands was launched seemingly to support pregnant women. Driven by a powerful tagline - The Sisterhood of Motherhood - the campaign ad satirises the different parenting issues dividing moms and dads. It portrays formula feeding as just another choice on which there should be zero judgment.



Seemingly, a call to end 'mommy wars' but Abbott is out there to sell formula.

The ad implies that anyone who takes a different position is combative and sanctimonious. Thus, the way is paved for acceptance of formula feeding which undermines public health recommendations about the importance of breastfeeding.

Campaign statements on the **Similac** website- <https://similac.com/why-similac/sisterhood-of-motherhood> – unabashedly states that **Similac** is “committed to helping moms and dads parent their own way, by providing products and services that support you no matter how you feed your baby.” Subsequent pages all promote **Similac**.



The sisterhood of motherhood “campaign makes no bones about what it is selling here. It tells mums and dads, “like parenting, there’s no one formula fits all”. Parents can choose between **Similac Advance** and **Similac Sensitive**.

In 2016, global sales of Abbott’s paediatric nutritional segment totalled USD 2.2 billion, down from USD 2.4 billion in 2015. The decrease in sales was caused by challenging market conditions in China including the impact of new food safety regulations which will require the re-registration by 2018 of all formula products contributing to oversupply in the market.

The sales decrease in China was partially offset by continued strong performance in several markets across Latin America and Southeast Asia. Paediatric nutritional sales in the US increased in 2016 reflecting above-market performance of the **PediaSure** toddler brand as well as the launches of **Similac Advance Non-GMO** and **Similac Sensitive Non-GMO**.

Abbott’s 2016 Annual Report describes these two products as breakthrough, first-to-market innovations that come closer to breastmilk than ever before. It added that these formulas contain a special prebiotic, like those found naturally in breastmilk.

Riding on breastmilk

In 2016, the results of an Abbott study conducted on 200 babies over a 6-week period was published. The study concluded that multiple immune markers of breastfed babies and babies using a new prebiotic formula were nearly identical. The prebiotics described as human milk oligosaccharide (HMOs) are found in two of the company’s brands - **Similac Pro Advance** and **Similac Pro Sensitive** which are advertised as closest to breastmilk.



This online ad states that “what was once available just to breastfed babies is now available to formula fed infants.”

In a statement made to the newspaper, USA Today, (“Breakthrough infant formula protects immune system like breastmilk” - Oct 27, 2016), Abbott announced that the formulation is “the biggest breakthrough in the last decade” but was quick to add that the product is not identical to breastmilk and that the HMOs used in the new formula are not from breastmilk.

They are created like vitamin supplements to have similar properties which are absorbed into the baby’s circulation to boost health.

This qualification is not apparent on the product level or on its promotional materials.

Editorial note: Multiple long-term studies have been analysing the positive influence of HMOs found in human breastmilk and research is still being conducted to strengthen the established results. One single short-term study, designed, analysed and interpreted by researchers working for Abbott is not conclusive enough for the company to make the promotional statements the company has made about its products. They constitute claims which are forbidden by subsequent World Health Assembly Resolutions. (WHA 58.32 [2005] and WHA 63.23 [2010])

PROMOTION TO THE PUBLIC AND IN SHOPS

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.
- **Article 5.3** of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.

PROMOTION TO THE PUBLIC

- In 2014, Armenia adopted a new law that covers all provisions of the Code and relevant WHA resolutions, and in some aspects the law is even stronger. Due to lack of enforcement, Abbott like many of its competitors, are violating the law as well as the International Code. For instance, on the Abbott website and on Facebook, one is able to access promotion of **Similac** products which feature cute, active and healthy looking babies alongside the Rosco Bear mascot that appears on **Similac** labels.



Similac on a rampage on Facebook

- In Cambodia, the law governs marketing of products for children up to 24 months. Although Abbott's commercial for **Similac Total Comfort2** is purportedly aimed at children above that age, the Rosco Bear mascot shown at the start of a commercial is the same one which appears on labels of **Similac** infant formula products.



This commercial for **Similac Total Comfort 2** is not only full of prohibited claims but reaches out to young babies as well.

The ad clearly implies that there are **Similac** products suitable for younger babies even though the law prohibits promotion of products below 24 months.

The multitude of claims in the commercial blatantly violate Resolutions WHA 58.32 [2005] and WHA 63.23 [2010] which prohibit claims. For example, **Similac Total Comfort** is described as containing *Tummi Care system* - "an easy-to-digest super premium formula, gentle on tummies and formulated with Intelli-Pro and Eye Q-Plus to support brain and eye development, promote strong immune system with IMMUNIFY system for growing-up children."

Minimum Requirement

Code Article 11.3

Independently of any other measures taken for implementation of this Code, manufacturers and distributors of products within the scope of this Code should regard themselves as responsible for monitoring their marketing practices according to the principles and aim of this Code, and for taking steps to ensure that their conduct at every level conforms to them.

WHA 34.22 [1981]

Final preamble

“...Adoption of and adherence to the International Code of Marketing of Breastmilk Substitutes is a minimum requirement”

- In Singapore, industry participation in the Sale of Infant Foods Ethics Committee ensured that the Code is reduced to its lowest common denominator. The ban on promotion is limited to infant formula and Abbott violates even that Code in distressing ways.

- Through the Abbott Strong Mums Club, mothers are courted with samples of **Similac Total Comfort 2**, which are marketed in Singapore for babies after 6 months. Coupons offering price reductions, gifts such as mittens, face towels and baby slings featuring product names and logos are also offered as incentives.



Infant mittens and towels printed with **Similac** name and logo.

- Gifts including samples of **Similac** follow-up formulas are sent directly to homes of mothers who signed up online with the Strong Mums club. Even though follow-up formulas are not covered by the scope of the narrow Singapore Code, samples of these products are sent to mothers before their babies are old enough to be fed these products. This is a dangerous practice as follow-up formulas are not suitable for babies below 6 months.



Mothers will find such gifts hard to resist.

- Through Abbott Strong Mums, mothers are also enticed to make minimum purchases of **Similac** products to the tune of SGD150-180 to get a choice of gifts which include discount coupons or toys. These offers are made through ads on Abbott's Facebook page.



"Nourish the mind" and "stimulate the senses" ... of parents to purchase **Similac** products.

- Other Strong Mums Facebook bargains offer a "buy 6 get 1 FREE special". Participating products include **Similac Follow-on Stage 2**, **Similac Total Comfort Stage 2** and **Isomil Stage 2**. Purchases can be made through a major supermarket chain.



Buy 6 cans get 1 can FREE when you shop at Cold Storage Online! Participating products: Similac Follow-on Stage 2, Gain IQ Stage 3, Gain IQ Kid Stage 4, Total Comfort Stage 2 & 3, Isomil Stage 2 & 3, PediaSure, Grow Preschool 3+ and Grow School 6+ (820g-900g). Terms apply.



Buy 6 Get 1 FREE Special Cross promotion!
coldstorage.com.sg

The image of mum and baby, not just the special, is effective in promoting products on social media.

- Apart from the continuous courtship of mothers through its Strong Mums club, Abbott also organises highly anticipated 'First Mums' & Dads' congresses where parents are promised valuable tips from health care experts on pregnancy, nutrition, confinement practices and baby developmental milestones. Speakers at the event include company personnel.

The call for registration for the 2017 event actually mentions the inclusion of breastfeeding topics!. Why a formula company which stands to benefit from failure of breastfeeding would want to talk about breastfeeding is entirely fishy but by doing so, it is likely that the company will enlarge its pool of potential customers, those who intend to breastfeed and who would otherwise not attend the event. In this way, should breastfeeding fail for any reason whatsoever, Abbott products are poised to step in.



An example of baby gift packs distributed at "First Mums' and Dads' Congress. Customised baby blankets and other items bearing the image of Rosco Bear are included

Editorial note: Many events in these annual First Mums' and Dads' Congresses are mother craft services prohibited by Article 5.2 the Singapore Code. Being a public forum, these Congresses also fail to comply with the requirements of Article 5.5 which prohibit industry members from being main organisers, speak at these events or feature brand names or logos in presentation slides.

- Across the causeway in Malaysia which has a stronger national Code, Abbot is careful not to promote its infant formula or follow-up formula products and focuses instead on the promotion of growing-up milks.

Although **Similac Gain Plus 3** is marketed for young children between 1 - 3 years of age and the product is not yet covered by the Malaysian Code, Abbott still violates the Malaysian Code with tactics that target mothers with young babies.

This is evident from a baby photo competition held at a Malaysian hypermarket where the competition banner is strategically placed on a shelf holding the full range of **Similac** milk formulas. Pictures of babies obviously below 12 months of age are pasted on the banner, indicating that the competition is also a clear form of cross-promotion for **Similac** infant formula and follow-up formula products.



This **Similac Gain Plus 3** baby photo contest is a cover for promotion of all **Similac** formula products... similar name and mascot.

PROMOTION IN SHOPS

- In Armenia,
 - **Similac Premium2** posters in supermarkets announce the results of a survey which shows that 60% of mothers prefer formula without palm oil, like **Similac Premium**. The posters bear unsubstantiated claims about the product's formulation that help in the formation and maintenance of a healthy intestinal flora, brain development and vision. It purportedly also offers comprehensive support of the immune system.



The round sign on the poster represents the system of protection for the tummy. It also appears on product labels

- Company literature on a full range of **Similac** products, all in Russian, can be found in pharmacies for distribution to shoppers in violation of the law in Armenia. These materials suggest similarity with breastmilk and claim to promote growth and benefits for the digestive and immune systems.



These company materials are illegally brought in from Russia. They do not exist in Armenian as such materials are prohibited by law.

- In Trinidad & Tobago, Abbott draws special attention to its **Similac** formula products at a local supermarket by offering "triple points (x3)" reward to card holders of the supermarket's loyalty programme.

The reward offered weekly on "blue price tag" items, is a sales device to encourage customers to earn extra points which can be exchanged for gifts. This offer is valid for the full range of formula products and growing-up milks.



Abbott joins forces with T&T supermarket to induce sales.

- In Singapore, gifts of food cutters, mashers and cutleries are offered with the purchase of **Similac Total Comfort** at the stage when babies start complementary feeding. Additionally, **Similac IQ Plus** are sold in twin pack offer packs that tells shoppers that the products “*nourish the mind and stimulate the senses.*”



VIOLATION



VIOLATION

For some shoppers, what's inside the package matters; for others what's on offer outside counts more.

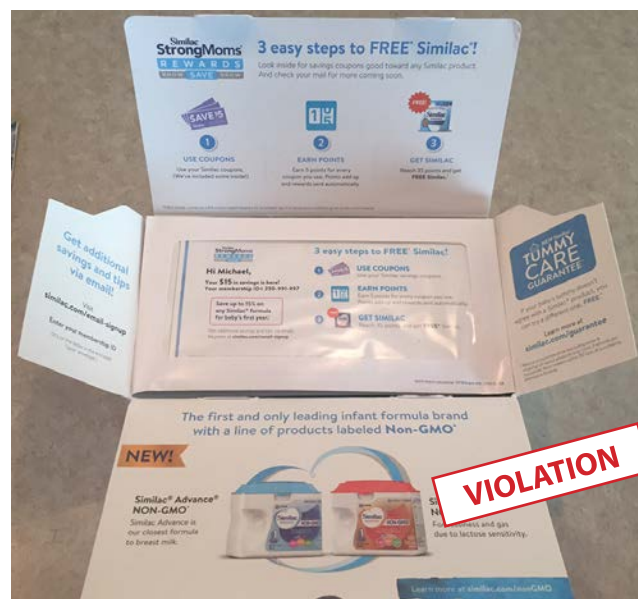
- In USA,

- Abbott sends out gift boxes containing coupons and samples of **Similac Advance Non-GMO** and **Similac Sensitive Non-GMO** infant formulas to expectant mothers through its Similac Strong Moms Club. Idealising text and claims cover the inside of the box. **Similac Advance** is described as “*closest formula to breastmilk*” while **Similac Sensitive** is promoted for reduction of “*fussiness and gas due to lactose sensitivity*”. Even the fact that the product is “Non-GMO” becomes an advertising platform. The box sets out “3 easy steps” instructions on how to use coupons to earn points for free **Similac**. A letter provides recipients with their personal membership ID which can be used for additional savings and tips. A “*New Similac Tummy Care Guarantee*” enables mothers to try a different product if the sample given is not suitable for her baby.



VIOLATION

“Free **Similac** product samples and great savings” packed into a beautiful box and delivered to the doorstep.



VIOLATION

Promotion inside the gift box includes a guarantee for a replacement product if the ones given are not suitable.



VIOLATION

Similac Non-GMO labels are fussed over as the “*first and only*”.

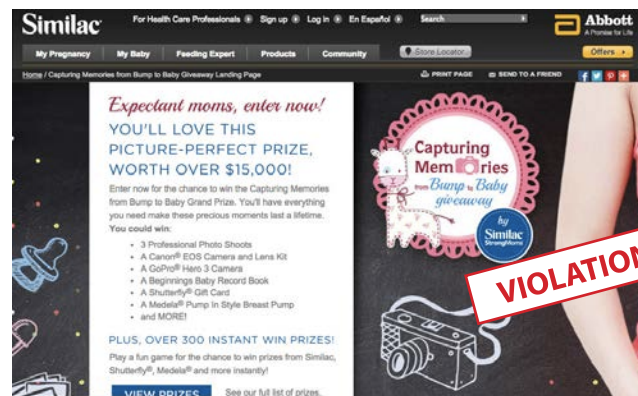
- In another campaign, mothers are asked to sign up with Similac Strong Moms Club to get a goody bag containing a *Newborn Nutrition Kit* which will be delivered to their doorsteps.

The Newborn Nutrition Kit normally contains the following items:

- Similac Infant Nipple
- Similac Infant Formula 4 pack
- Similac Advanced Complete Nutrition 12.4oz
- Similac Sensitive 8oz
- Four Save \$5 Similac Checks

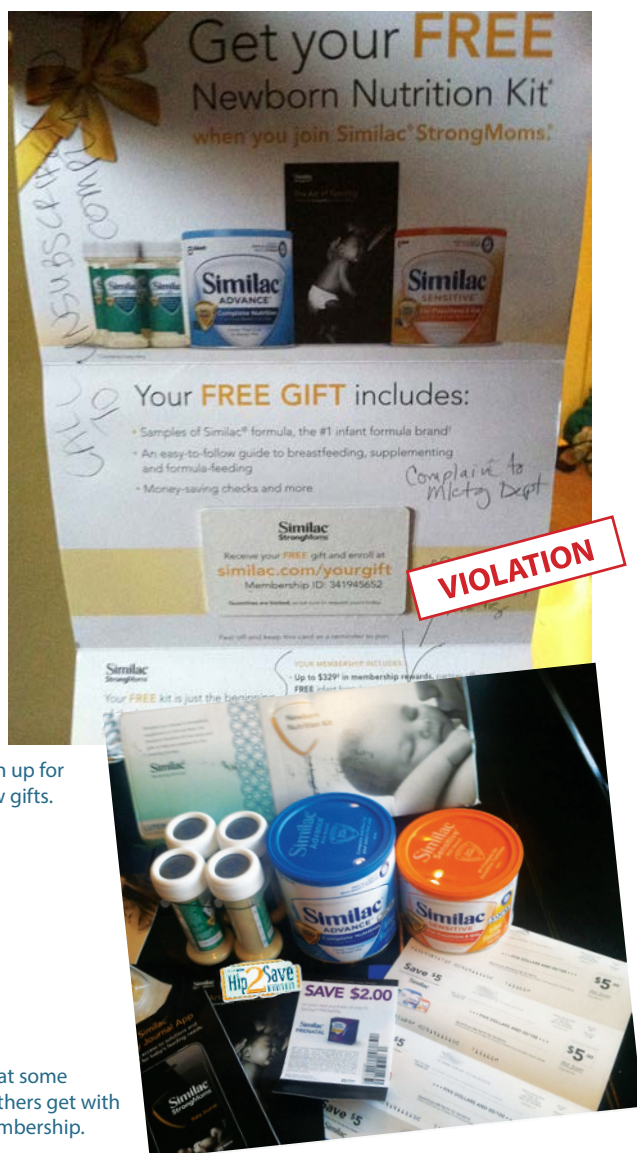
Recipients also receive other membership rewards such as weekly emails focusing on health and wellness of babies, nutritional guidance for a healthy pregnancy, access to the Feeding Expert team, partner offers such as free Shutterfly Pregnancy Journal photo book and more!

This unethical form of promotion, given to pregnant women or new mothers at a time when they are making crucial decisions between breastfeeding and formula feeding, will tip the scale in favour of formula feeding.



Picture perfect prizes for winning entries.

- Of course, mums must get some real offers to make sure they are really hooked into buying. Apart from extra formula, mums will see Abbott's self proclamation that it is the number #1 brand from the ad below. The label of **Similac Sensitive** and **Similac Advance** also carries the statement that it is the "**#1 brand fed in hospitals**". This accolade confers dubious medical endorsement on the products.



The slogan - "**#1 brand fed in hospitals**", will make parents think that product must be safe while more for the same price is always an enticement.

- To ensure a captive customer base, the Similac Strong Moms Club also runs contests for expectant mothers. This includes "*Memories from Bump to Baby*" contests where over 300 lucky mums will instantly win prizes comprising formula products and breast pumps.

The grand prize includes professional photo shoots, camera and lens kit and a Macbook.

- There are also ads that carry coupons which offer price reductions and make statements to outsell Abbott's main competitor, Mead Johnson. For example, the ad overleaf compares **Similac Advance** as having better value than **Enfamil Premium**.



How to get 3 more weeks of **Similac** free over the course of one year vs **Enfamil Premium**.

- In the *Fit Pregnancy* magazine (Oct / Nov 2014), a full page ad from Abbott entitled “*You know his stomach only holds a few ounces. Let’s make them count*” advertises **Similac** with **OptiGRO**. The **OptiGRO** formulation, represented by a logo on the product label, is described as “*blend of DHA, Lutein and Vitamin E*” which Abbott claims helps with the baby’s “*brain, eyes and development*” growth especially during their “*first year*”. There is a statement at the bottom of the ad which claims that the product, like all **Similac** formulas, has been “*reformulated to better match the average caloric density of breastmilk*.”



The fine text in this ad tells mums who “*are in tune*” with their babies and who want their babies to thrive to recognise that **Similac** with **OptiGRO** is “*closer to the nourishing power of breastmilk than ever before*.”

It ends with the statement - “*but knowing you, you already knew that. Knowing means growing.*”

- A check on just one range of **Similac** products shows how prolific claims are - <https://similac.com/why-similac/optigro-> (accessed 23 February 2017)

Similac with OptiGRO is touted as containing a ‘unique’ blend of DHA, Lutein and Vitamin E, to help “*support your baby’s overall growth, brain, eye, and immune system development*” in the following ways -

- DHA : An ingredient that supports brain development
- Lutein : A nutrient found in breastmilk that supports eye health
- Vitamin E : An important nutrient to support developing cells
- Nucleotides : Building blocks for cells to support your baby’s developing immune system
- Antioxidants : Help protect cells. Includes nutrients such as vitamins C, E, and selenium
- Prebiotics : Promote digestive health to support your baby’s immune system

Nowhere on the web-page is there any mention about the importance of breastfeeding or the risks of formula feeding.



Described as America’s #1 Brand, **Similac Optigro** is said to provide nutrition beyond DHA alone.

Editorial Note: The Code is implemented neither at state nor at federal levels in the US. It receives a cursory reference in the Surgeon General’s Call to Action to Support Breastfeeding (2011) <https://www.surgeongeneral.gov/library/calls/breastfeeding/index.html> (accessed 23 February 2017), where there are calls, inter alia, to hold marketers of infant formula accountable for Code compliance and for steps to be taken to ensure that claims about formula are truthful and not misleading. In 2016, the U.S. Food and Drug Administration issued non-binding recommendations for industry to comply with certain labeling requirements for infant formula products. However, promotion of breastmilk substitutes is still unregulated and Abbott is accountable to no one for the way it promotes its products in the US.

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

- **Article 6.2** bans the promotion of products within the health care system.
- **Article 6.3** prohibits the display of products, placards and posters or the distribution of company materials unless requested or approved by the government.
- **Article 7.3** provides that there should be no financial or material inducement to health workers to promote products.
- **WHA resolutions 58.32 [2005]** and **WHA 65.60 [2012]** call on countries to ensure that financial support and other incentives for programmes and health workers do not create conflicts of interest.

- In Canada, Abbott sends packages of unsolicited samples of **Similac** infant formula directly to homes of birth workers. These packages contain different **Similac** brands both in powdered or liquid form – the latter comes complete with nipples that can fix onto the plastic ready-to-use bottles). Accompanying the products are information booklets that declare **Similac** as providing “*Nutrition for every milestone : our closest formula ever to breastmilk.*” Mothers are encouraged at the same time to join the Similac Club to help them nurture their baby’s dreams while **Similac** nurtures the baby’s growing body.



Surprise in a box - formula by special delivery to health worker.

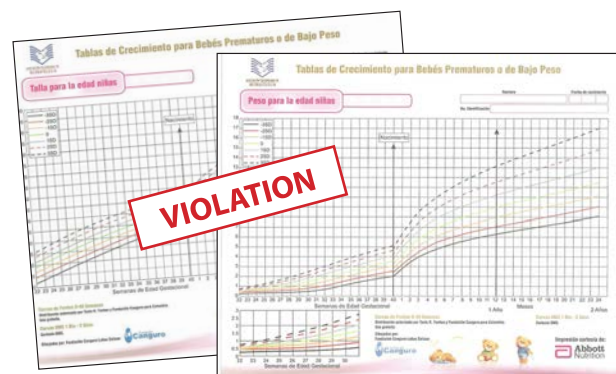
- In Lao PDR, a signboard displayed in a hospital nutrition ward showed the Abbott and **Similac** names together with other Abbott brands. By displaying the name of the company and that of its products, Abbott is able to align itself as a sponsor of the nutrition ward and project itself as a health partner.



The glaring sponsorship of nutrition ward signboard implies that Abbott products are endorsed by the hospital and will, no doubt, bring very good returns.

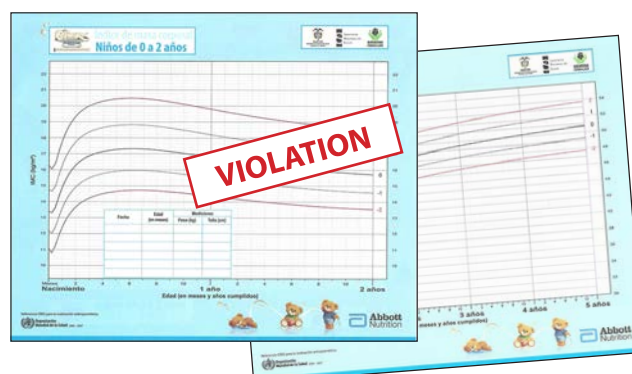
- In Colombia, Abbott goes even further. It donates growth, weight and height charts originating from WHO 0-24 months to healthcare institutions in Bogota. Not only do all charts contain idealising images of the **Similac** brand mascots alongside the Abbott Nutrition name and logo, the names and logos of health and social services also appear on each chart. This indicates some form of collaboration with governments giving rise to conflicts of interest. Some of the charts bear the statement - “*printed by courtesy of Abbott Nutrition.*”

What is more alarming is the fact that the name and logo of WHO are prominently displayed on some of the charts. That implies that WHO endorses the company and its products, something the organisation is not known to do.



TOP: These charts do not show the WHO name or logo but state that they are “courtesy of WHO” implying that Abbott is WHO’s partner in health.

BOTTOM: These charts show the WHO name and logo. There is a statement that the charts are being “printed by courtesy of Abbott Nutrition”. There is promotional value in the 3 bears.



- In Singapore,
 - Abbott's promotional materials are clearly visible at every corner of a private child clinic in Singapore. They include brochures, stickers and murals, most of which promote **Similac** and **Gain Total Comfort**.

One brochure entitled, "A happy world, brought to you by **Similac Total Comfort**" tells mothers that the "small gentle proteins" in the product offers complete "nutrition with a gentle touch" so that they can focus on the joys of parenthood with the assurance that they are giving their babies the very best. A claim made in the brochure states - "**Similac and Gain Total Comfort bring your little one the best of both worlds - with Lutein, AA & DHA to support his brain & eye development; while gently caring for his tummy**".



Abbott leaves its mark everywhere in the clinic.



marked with the **Similac** brand logo, are normally delivered in a small ceremony with the company representative in attendance. With mum and the new born baby as the centre of attention, a photo session follows with dad and hospital staff.

The fact that Abbott is being given the best available opportunity to reach out to new parents with various marketing strategies is lost on the hospital. Parents and family members appear to be oblivious that they are targets of unethical promotion.



Sometimes there is double manipulation when another company, enters into the picture bearing similar gifts. (Mead Johnson)



Abbott **Nutrition** makes an early appearance in the lives of newborn babies. Gifts include milk for mothers, soft toys for babies, toiletry items and other gadgets.

Editorial Note: The Singapore Code is silent on this promotional activity even though it is a violation under the International Code of Marketing of Breastmilk Substitutes.



A poster in the clinic tells mothers they can submit a request to Abbott to get a free big tin of Total Comfort formula and an exclusive gift set.

- Abbott promotion gets worse in hospitals providing maternity services. One private hospital allows the company to provide elaborate gifts to new mothers soon after delivery. These gifts,

- In USA, Abbott uses waiting rooms at paediatric clinics to display and promote **Similac** infant formulas. A ready-to feed bottle of Abbott's **PediaSure** for young children is also neatly placed next to **Similac** products. Such practice enables Abbott to create the belief that the doctors in the



clinic endorse its products and brands and even support the use of breastmilk substitutes.

Display of products at the doctor's undermines mothers' decision to breastfeed and is a blatant violation of Article 6.3 of the Code.

LABELLING

- Article 9 of the Code requires labels to NOT discourage breastfeeding and inform about the correct use of the product, the risk of misuse and abide by a number of other points.

- Abbott appears to have forsaken little Rosco in favour of new promotional. Labels in the US now sport logos of new fancy formulations with claims which lack peer-reviewed, independent evidence. Such claims are not permitted by subsequent World Health Assembly Resolutions or indeed by the US FDA guidelines on labelling.



The label of **Similac Advance** with **Optigro** claims to support your baby's brain and eye development while that of **Similac PRO Advance** with **Optigro PLUS Human Milk Oligosaccharide** claims to help strengthen baby's immune system to be more like the breastfed infant's than ever before.

- Elsewhere in the world ranging from Canada to Latin America, Europe and Asia, faithful Rosco in different positions and configured to resemble infants and young children at different stages of development, continues to be the favoured product mascot. Labels bearing Rosco as mascot are also filled with claims about the different components of the product.

Claims found on **Similac** product labels usually focus on their galactooligosaccharides, lutein and DHA content. The following statements or variations are common.

- WHA resolution 54.2 [2001]** advises exclusive breastfeeding for 6 months which means that the recommended age for use of complementary foods cannot be under 6 months.
- WHA 58.32 [2005]** prohibits nutrition and health claims unless specifically provided for in national legislation.

Galactooligosaccharides

- May support the growth of good bacteria in your baby's digestive system.
- Help promote softer stools, similar to breastfed babies.

Lutein

- An antioxidant naturally found in breastmilk and concentrated in your baby's brain and eyes.
- Your baby can only get lutein from his diet so, until he starts solid foods like leafy greens, corn and eggs, he can only get lutein from breastmilk or **Similac Advance**.

DHA, an omega-3 fat that supports the normal physical development of your baby's brain and eyes.

- 'Unique' blend of nucleotides (72 mg/L).
- No palm olein oil.
- Easy to digest.



The symbols on the labels of these **Similac** products marketed in Armenia, describe what different components can do for the growth and development of the baby. Claims are not allowed under Armenian law.



(accessed 27/2/2017)

In Canada, as in US, the focus is on non- genetically modified products which Abbott claims to be its closest formula to breastmilk. For less developed countries, this range of products is just too expensive and hence not marketed.



In Panama, labels are still fronted by good old Rosco. They contain claims about **IQ Plus** and **Immunify** which are not just suggestive but promotional. The national law does not allow idealising picture or text on labels.

Revisiting old wine in new bottles

In BTR 2010 (Abbott Report p. 2), the company was reported to be slapping on labels with different age indications on its **GAIN IQ** growing-up milk product. The practice allowed the company to remove the product from the scope of the Cambodian Law which covers marketing of products used for babies up to 24 months.

This practice is still happening today. This time around, the product involved is **Similac Total Comfort1**, an infant formula product that is marketed for the most vulnerable infants.

The Cambodian father who discovered the relabelling highlighted the practice on his blog and asked why the age recommendation for **Similac Total Comfort 1** is 0-24 months instead of 0-12 months on the original label. The local distributor for Abbott explained that the change was approved by both the manufacturer and the Ministry of Health in Cambodia and assured the father that the product is suitable for his child who was then 13 months old. *

As a blogger (See <http://www.khmerbird.com/similac-cambodia/> (accessed 21 February 2017), the father generated quite a lot of comment about this labelling practice. This prompted Abbott **Nutrition** in Singapore to contact the father. Again, he was reassured that the product he purchased was suitable for babies up to 24 months and that the relabelling was carried out to comply with the law of different countries.



The father subsequently discovered that **Similac Total Comfort 2** is actually cheaper than **Similac Total Comfort 1**. So at end of the day, Abbott's labelling practices is aimed at holding parents of babies 1 year and older captive and paying a higher price than they really need to.



Left : The Khmer sticker indicated the stage 1 product is suitable for babies aged from 0-24 months. The original label, from Malaysia, states that the product is for babies 0-12 months.

Right : In violation of the law in Cambodia, **Similac Total Comfort 1** is put on special offer.

Editorial note: Manufacturers have a certain degree of discretion in deciding on who their target consumers are. This proves our point that follow-up formulas are not necessary, something affirmed already in 1986 by resolution WHA 39.28.

PROMOTION OF GROWING-UP MILKS

The **Guidance on ending the inappropriate promotion of foods for infants and young children** issued by WHO in May 2016 reaffirms that breastmilk substitutes should be understood to include any milks that are specifically marketed for the feeding of infants and young children up to the age of 3 years including follow-up formula and growing-up milk.

Through this Guidance, it becomes clear that growing-up milks are covered by the scope of the Code and should not be promoted, something industry has been disputing for many years. This part of the report documents the way growing-up milks have been promoted by Abbott, both before and after the Guidance was issued.

- In Cambodia, pre-schoolers can be seen lugging backpacks bearing the slogan, “*brain strong, school ready with Gain IQ.*” The *Intelli-pro* logo representing a system of nutrients found in **Gain IQ** also appears on the bag. It is described on the Abbott website as a combination of Lutein (an intergral part of the eye’s retina) and DHA (a building block for brain and eye development) <http://www.abbottfamily.com.kh/similac-gain>



This bag with the Rosco bear wearing a mortar board will be a star attraction in kindergarten.

- In Malaysia,
 - **SIMILAC Gain Plus** is continuously placed on offer in supermarkets. Ads about price reduction and special offers normally appear in supermarket flyers for customers to refer when they shop.
 - On the Abbott website (<https://abbottnutrition.com.my/products/similac-gain-plus>). **Similac® Gain Plus** is described as containing the EYE/IQ Nutrition System which is enhanced with *Intelli-Pro* to support mental development. Visitors to the website can apply for free sample by becoming an Abbott family member.

SIMILAC
GAIN PLUS (900G)

62.99



VIOLATION



The *Intelli-Pro* formulation is said to contain DHA, Lutein and unique vegetable oil blend for better absorption of key nutrients - an unsubstantiated claim

- In Latin American countries like Guatemala, posters in shops with the slogan “*Barriguitas en armonia (Tummies in Harmony)*” are used to promote **Similac 3**. This catchy slogan is used by Abbott on its **Similac 3** website to highlight common gastrointestinal problems among young children and how to deal with them. Abbott’s obvious answer is by using **Similac 3**.



Cherish your baby’s tummy; control diarrhoea with **Similac 3**.

- In Moldova, a large banner promoting Abbott’s **Similac Premium 3** growing-up milks is displayed the entrance of a pharmacy.



A mother cuddling with her baby idealises the use of **Similac 3**.

- In Myanmar, a shelf talker does its bit to attract shoppers by promoting **Similac Gain IQ** with an image of a child's brain absorbing the brand's *Intelli-pro* formulation.



Sucking in the heady stuff - IQ stands for Intestinal Quality too.

- In Singapore, this **Isomil Intelli-pro** product is put on special promotion around the same time that growing-up milks are confirmed to be breastmilk substitutes by WHO.



Choice of different gifts for every purchase worth \$220.

- In the UAE,
 - Abbott participated in Mothers' Day celebration at a school by distributing gift boxes with samples of **Similac Gain Plus**. Inside are presents for children to play with or give to their mums. The gifts boxes are printed with advertisements for **Similac Gain Plus** with a special focus on the *Intelli-pro* formulation of the product.



Greeting cards, paper crowns featuring Rosco bear for children with art and craft materials for them to create their own 'avatar' mums.

- The gift boxes also contain announcements for the new name for **Gain Plus** and Gain Kid. They are now called **Similac Advance** (and, Similac

when it began was named after would-be 'similarity' with breastmilk) The slogan "*Advance nutrition for growing children- For all the first yet to come*" holds a false promise for mums on Mothers' Day.



Unveiling a new name for an old product.

Product Recall

- In July 2016, Abbott recalled two batches of **Pediasure** that were shipped to UK, Ireland, Russia, Spain, Turkey, Bahrain, Malta and the UAE. The products meant for nutritionally at risk children over one year age were recalled following complaints such as diarrhoea.



Abbott attributed the cause to insufficient sterilisation which it considered to be isolated and non serious.

- In June 2017, the Ministry of Health of Chile ordered the withdrawal of Abbott's **PediaSure** for containing the dangerous *Cronobacter* bacterium in June 2017. The contaminated products, suitable from one year old, were recalled to protect vulnerable young children. The Chilean population was warned as consumption of the infected products puts young children at a high risk of fever and serious infections.



WARNING to consumers about the dangerous *Cronobacter* bacterium.

PediaSure - Not So Sure



PediaSure belongs to Abbott's food range for children from 1 up to 13 years. The milk-based product is available in powdered and liquid form and is promoted as a “*nutritional drink that can be used as part of a healthy diet with a kids-approved taste*”. It is also said that it “*supports children's growth and immune system*”. This paper assesses the veracity of those claims.

The product label highlights its composition of high protein along with 26 vitamins and minerals. There is no information on the bioavailability (whether easily absorbed) of the micronutrients. The high sugar content is not displayed on the front but safely kept on the back label. (Canada)

Abbott uses claims such as “*Clinically proven to help kids grow*” and “*Growth you can be sure of*” to convince consumers of the product's questionable benefits. These claims are supposedly based on several studies, however, in many ads, the latest intervention study [1], given to the public as the main reference, is designed, analysed and interpreted by Abbott Nutrition and hence hardly an independent study. This study serves as scientific evidence for promoting a positive and visible outcome on growth for nutritionally at-risk children that have consumed **PediaSure** for 8 weeks. This assessment* to verify the scientific validity of the study results concludes that the marketing of Abbott's **PediaSure** rides on claims that are not scientifically significant and without independent substantiation. Some shortcomings of the study results are summarised below:

- **Age range of study participants**

The study participants were 3-4 years old and had passed the critical growth spurts which take place during the first 1000 days after conception. Yet, **PediaSure** is promoted as suitable for children aged one year and above. The study concludes that there is “*some evidence on the merit of extending the window of intervention beyond 1000 days*”. However, suggesting “*some evidence*” without stating references to support this compromises the study results and stretches the claims made.

- **Lack of sample size and control group**

The study had a sample size of only 200 children from one single country (Philippines*) without a control group. This relatively small number of participants is not representative of the target population and statistically insufficient to provide reliable study results. Yet, **PediaSure** is promoted with all its misleading claims in more than 80 countries.

¹ Huynh DT et al. (2015) Longitudinal growth and health outcomes in nutritionally at-risk children who received long-term nutritional intervention. J Hum Nutr Diet. doi: 10.1111/jhn.12306.



HEIGHT. WEIGHT. NATURAL DEFENCE SYSTEM.

PediaSure®
GROWTH YOU CAN BE SURE OF.

Assurance of weight gain with two servings of PediaSure... extra calories come mainly from sugar. (Malaysia)

*** Editorial Note:** The 8th National Nutrition Survey in the Philippines conducted by the National Food and Nutrition Research Institute (2016) illustrated that, out of a population of almost 12 million children 0-5 years old, 2 out of 10 (20%) were underweight and 3 out of 10 (30%) were stunted (short height-for age). Compared with such a large representative sample of the population, the sample size of only 200 non-representative children without a control group is not sufficient to provide valid or reliable results.

* This assessment was done by Hacer Tanrikulu, a student for a Bachelor degree in Global Nutrition and Health, with the support of Dr. Aileen Robertson (Metropolitan University College Copenhagen) and Elisabeth Sterken (INFACT CANADA).

• Nutritional status of study participants

The study participants received two servings of **PediaSure** daily for a total of 450ml which claimed to support optimal growth. However, the children were between the 5th and 25th WHO weight-for-height percentiles, which means that they had a normal nutritional status and were not undernourished or “*nutritionally at-risk*”. The study also states that “*in general*” children suffered weight rather than height-faltering. However, short-term weight loss generally after an illness and a short term loss of appetite is not considered a serious therapeutic problem and catch up growth is quick when a normal family food based diet resumes. Children who consume the recommended quantity of **PediaSure** will gain weight. However, their nutritional status will be compromised when one third of the caloric intake is provided by a non-nutritive ingredient – sugar.

• Eating patterns of study participants

The 450ml of **PediaSure** provide 450 calories per day, which corresponds to almost one third of the daily recommended energy intake of a 3-4-year old child and almost half of that of a one year old (1000 calories/day). Figure 1 also indicates that prior to supplementation with **PediaSure**, the average daily energy intake of participants was close to the recommended 1410 calories per day. This suggests that study participants are neither in need of increased calorie intake or are fussy eaters and therefore a therapeutic intervention with **PediaSure** was not necessary. Besides, the replacement of family foods with the artificially flavoured and high sugar product will most certainly compromise children’s future eating habits and health outcomes.

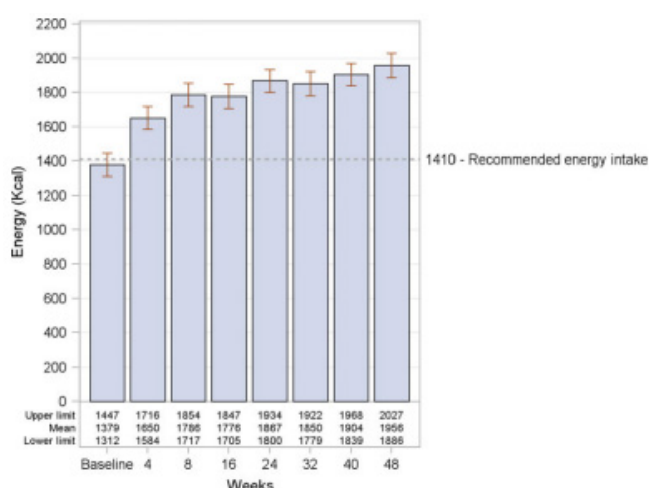


Figure 1

Of course the study subjects put on weight: At the end of the study, children were consuming 600 calories more than recommended.

• Nutritional composition of PediaSure

PediaSure’s main ingredients after water are sugar (sucrose) and corn syrup (maltodextrin*). The sugar content of two servings of **PediaSure** is so high that it provides a child’s daily average energy intake from carbohydrates without consuming anything else. As a flavoured product, **PediaSure** programmes children to favour sweet and flavoured foods from a young age, perpetuating preferences for low-nutrient and highly processed foods in future. In short, the regular intake of sugar-loaded products such as **PediaSure** increases a child’s risk of developing both poor eating habits and non-communicable diseases such as obesity, diabetes and heart diseases.

* **Editorial Note:** Maltodextrin is a sugar with a very high glycemic index that can spike blood sugar levels and predispose one to diabetes. Starting a young child on such a highly processed sugar is not a path to good nutrition.

Abbott’s promotional claims of “*complete, balanced nutrition*” “*especially designed to help kids grow*” are designed to create loss of confidence in normal healthy family foods and create a dependence on an expensive, high sugar and artificially flavoured product with industrial nutrients and additives. The company has long attempted to circumvent the scope of the Code by promoting **PediaSure** as a therapeutic supplement. However, it blatantly ignores the fact that so long as a product is marketed or represented as suitable for infants and children up to three years, promotion is not allowed under the Code. Additionally,



making scientifically unsubstantiated claims, is not only irresponsible and puts children’s health at a risk, it also violates subsequent World Health Assembly resolutions 58.32[2005] and 63.23 [2010].

It looks like 2 years of growing, can be achieved with PediaSure in 8 weeks. Believe it? (Malaysia)

LOOK WHAT THEY'RE DOING IN CHINA



In China, Code legislation is weak and outdated. Enforcement of restriction on promotion is virtually non-existent and a 2015 Law of Advertisement that curbs advertising of breastmilk substitutes in the mass media and public places has yet to unfurl its power.

- A check on Abbott websites shows that the company uses idealising text and images to advertise its **Similac Qinti** (close to body) and **Eleva** products online. Promotion banners on the website proclaim the endorsement “officially approved, quality guaranteed”. Since all products for sale in China have to go through a registration process, describing the products in those terms is nothing short of promotion.

优势2 亲体双重倍护盾配方

• 二段宝宝需要双重倍护 •

6-12个月的宝宝，免疫因子水平较低，是建立自身抵抗力的关键阶段；同时，宝宝开始添加辅食，娇嫩肠胃道可能受到挑战。

VIOLATION

VIOLATION

• 神奇的72mg/L核苷酸 •

Similac Qinti is represented by the Rosco Bear and the entire range, promoted through images of healthy, happy babies is described as in “in close affinity to and in harmony with the constitution of the baby, making it easier to absorb, and providing babies with superior double protection.”

- Visitors to the Abbottmama website can access information of **Similac 1** by clicking on the bear and will be led to a webpage that shows clearly that Abbott does not subscribe to the global public health recommendation on continued and sustained breastfeeding to 24 months and beyond.

Imagine the number of Chinese babies Abbott is able to capture with a message that limits the recommendation to breastfeed to 6 months and undermines mother’s ability to breastfeed.

VIOLATION

雅培亲体™欧洲原罐1段

【1段：适合0-6个月婴儿】

(accessed 28 / 2 / 2017)

The information on this page states “For infants 0-6 months, the most ideal food is breastmilk. **Abbott** fully supports breastfeeding. We suggest that mothers who do not have enough breastmilk or when there is no breastmilk available, to follow doctor’s advice on feeding methods.”

- Abbott employs the services of a famous actress, Sun Li, to be the ambassador for Eleva, an Abbott premium formula launched in China in 2014. Promotional materials bearing her image in the background are widely distributed and she has been invited to speak about the product in a number of events and forums.



Launch of **Eleva** in China by top actress Sun Li and an ad with her as brand ambassador.

- On the parenting section of a website that targets housewives and mothers, Sun Li announced that she was introduced to Abbott products by her friends during a trip to the US, when she ran out of formula for her child. Because her son was an “Abbott baby”, when **Eleva** was created, she felt she had to recommend these excellent products to all mothers. As Abbott’s mouth piece for **Eleva**, she said, “**Eleva’s ‘intelligence absorption’ and ‘liquid milk one-time feed’ technology can effectively enhance the overall absorption of nutrients that are key to brain and eye development and to strengthen the development of babies’ senses. The milk source of this formula comes from the purest natural farm in Europe, and the formula meets numerous safety standards of the EU. I believe Eleva can provide babies with the purest, safest, and most scientific nutrients.**”



- The round **Eleva** logo found on **Eleva** labels is adorned with the words: “*Intelligence absorption*” (literal translation). Targeting the “nouveau riche” class that has emerged in China, **Eleva** is promoted as the product for parents who are looking for a fully imported premium infant milk formula that uniquely supports a child’s senses through the latest “*Intelli-Absorption Structure technology*.” This technology purportedly promotes absorption of key eye and brain nutrients while supporting the child’s senses during the most critical time of its development.



Described as belonging to a “Premium and pure line”, this formula is supposedly “designed to promote absorption of key eye and brain nutrients for infants in China”

- Abbott employs various means of reaching mothers in this **Similac 3** ad. Mothers are firstly invited to join the “Protect Baby” mummy club to earn 4999 travel points and to have the opportunity of being chosen to become a celebrity mum. They are also encouraged to scan the QR Code in the ad and to “like” the Abbott Dearest Baby Love project on Facebook to enjoy professional infant feeding advice. The ad also describes **Similac 3** as a “golden milk sourced from Ireland”, and “affinity and double harmony protection shield formula” with “beneficial absorption technology”.



Other than promotional text offering various enticements, there is also a professional infant feeding hotline open to mothers

LOOK WHAT THEY'RE DOING IN RUSSIA



Abbott has been operating in Russia since the late 1970s and the country has become increasingly attractive for the company as Russia evolved into one of the fastest growing markets for baby food products in Eastern Europe. Rising disposable incomes coupled with higher birth rates spell growing demand and higher spending on milk formula, especially premium brands. According to market researchers, new product launches and promotional campaigns have increased significantly while poor Code implementation means that companies like Abbott are free to exploit the situation to promote their products.

- Conventional media such as TV channels and print media are still being used by Abbott to advertise products covered under the scope of the Code. However, the internet and social media platforms are increasingly being relied upon by the company to reach wider audiences, not only in Russia but also neighbouring countries where Russian is spoken.



Similac Premium is promoted on national TV.



This offer of an interactive teddy with the purchase of Similac Premium products finds its way from Russia to neighbouring Kazakhstan. **Similac Premium 3** is promoted for young children from 12 to 18 months while **Similac 4** is aimed at those above 18 months. These are milks for older babies and come within the scope of the Code.

Editorial note: A comparison of the nutrient composition table of Similac Premium 3 (12-18 months) versus Similac Premium 4 (18-36 months) shows no significant difference even though the two products are targeting different age groups. It is only a way to hold mothers captive to a product line as their children grow older.

- The violations that are the easiest to detect are in retail outlets and online shops. Even though the Code prohibits promotional devices to induce sales of products covered by the scope of the Code, Abbott keeps having special offers and discounts in stores.



Chain store advertisement for discount on Abbott's follow-up milks.



10% discount on Abbott's infant-formula found on online shop.



According to this online store promotion, it is cheaper together.

- Information materials, advertorials and free samples are other strategies Abbott employs to induce sales and hence violate the Code. Products are often promoted in health conducive environments such as hospitals which confer valuable medical endorsement on products. Indirect medical endorsement of products is inappropriate as health facilities have a clear duty to provide independent, objective support.



This leaflet entitled, “Sleepless nights for young family” promotes **Similac Premium Intelli-pro**. It not only draws similarity with breastmilk but also boasts about the product’s power to promote growth and benefits for the digestive and immune system.



Information or Promotion? Neonatology Guideline for doctors and medical students shows **Similac** ad on its cover. The title says that **Similac** provides a wide range of choices for smooth digestion. “Expertise from doctor, care from parents, solution from **Similac**”.

Abbott promotes its **Similac Premium 1** infant formula through healthcare workers at maternity hospitals. Working together with Abbott, they provide samples and promotional brochures to parents. The product is promoted with the slogan, “for a good digestion.”

The brochure includes a space for parents to attach their baby’s photo and biodata.



A violation never happens once: Free samples of infant formula and brochures are distributed at different hospitals.

Labelling violations are common. These include idealising claims and promotional logos for different product formulations on premium products. Such inappropriate labelling strategies add up to discourage breastfeeding and to influence parents when they make infant feeding decisions.



Abbott capitalises on its famous teddy’s power to trigger peaceful, happy and joyful emotions. The “IQ-Intelli-Pro” symbol representing improved brain development can also be found on **Similac Premium**. The newest logo is the yellow circle implying the protective effect on the digestive system as a result of fortification with prebiotics (blue), bifidobacteria (green) and the absence of palm oil.

JUST IN FROM RUSSIA !

- This page contains evidence received after the company report layout was finalised.

- Abbott is top among more than 1000 advertisers on www.baby.ru, an online forum specialising in children's topics.
 - Through this link - <http://www.baby.ru/adv/> Abbott found the ideal platform to reach 13 million future and young mothers who are members. Advertisements of different lines of **Similac** products appear under various sections that provide information about feeding practices.



A full array of formula products for mothers to choose from. Abbott's 90 years experience in nutrition, science and advanced technology is used to convince mothers of the company's trustworthiness.

- In the "Milk Kitchen" section, the entire **Similac Premium** line is promoted with the unproven claim that its unique composition deliver comfortable digestion and the development of healthy microflora.



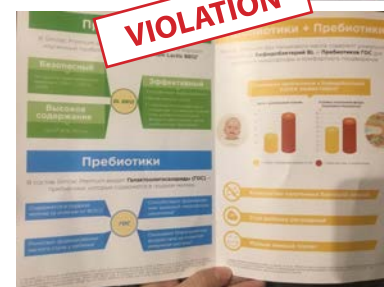
70% claim was also found in shops.

Abbott claims that 70% of mothers interviewed in a company study noted a decrease in colic in their babies when they used **Similac Premium**. The company did not mention how many mothers were interviewed.

- Working with MEDSI, the largest Russian private network of medical and preventive care institutions, Abbott gives away toys and one week's stock of **Similac Premium** infant formula samples to parents through a prize draw.



- Brochures that promote **Similac Premium2** as a milk formula with a unique composition for a healthy digestive system are given to students of a university in Smolensk. They contain idealising text and images about the product.



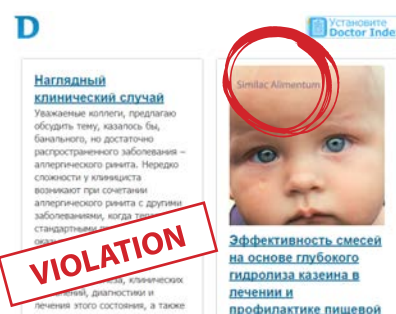
Medical students should get scientific and factual materials, not this!

- In a children's polyclinic at a medical center in Novosibirsk, Abbott displays a poster which advertises all lines of **Similac** formula products.



This children's clinic should be promoting breastfeeding not Similac

- Subscribers of Doctors-at-Work (the world's largest professional network for Russian-speaking doctors) were sent an email claiming that casein infant formula is effective to treat food allergies. The e-mail contains a picture of a baby with a **Similac** name imprinted on its forehead.



A baby's face with a brand name on its forehead is promotion pure and simple

www.doctornarabote.ru

STRETCHING THE RULES

- This section highlights marketing practices which undermine or discourage breastfeeding especially when relating to products which may not come under the scope of the Code.
- Sponsorship activities which may give rise to conflicts of interest are also reported here. These activities are intended to promote breastmilk substitutes and violate Resolutions on conflicts of interest.

- In Singapore, the promotional tag attached to the **Similac Mum** pack explains why shoppers choose the product. The product is said to offer the most complete nutrition for pregnancy and breastfeeding with 24 essential vitamins and minerals as well as prebiotics, all purportedly to help meet increased nutritional needs for mental development and foetal growth.

There is cross promotion of Abbott's formula products because the promotional devices appearing on both ranges of products are the same -**I/EQ Plus** and **Immunify** ingredients.



Exposing pregnant women and lactating women to costly ingredients and a brew of chemicals when calories derived from normal healthy food would do.

- In the US, Abbott markets supplements in soft gel form to provide “*nutrients for mums to support breastfeeding*”. To promote the product, Abbott says, “*Even when you try to eat well, it may be hard to get the desired levels of nutrients found in Similac Breastfeeding Supplement from your diet.*” This scares mothers into thinking that they need supplements or their breastmilk will be inadequate even though the dietary intakes for lactating women for DHA and lutein have not been established yet. The promotion of this expensive yet unnecessary product (30 supplements for \$10.00) hides the fact that nutrient utilisation from food is far more efficient than from industrial supplements. There is an element of cross promotion here because the *Optigro* logo seen on the label of Abbott's formula products is also shown on the logo of the breastfeeding supplement.



<http://abbott.mediaroom.com/2014-07-24-Abbott-Introduces-New-Similac-Breastfeeding-Supplement-with-DHA-Lutein-and-Vitamin-E>

Undermining women's confidence in their natural ability to breastfeed successfully.

Editorial Note: Company promotion of milk for mothers (MFMs) often conveys the message that pregnant and lactating women need MFMs to have a safe pregnancy and to be able to breastfeed successfully. These women and their families are led into thinking they need a special diet which would be fulfilled by MFMs. These messages are far from the truth and they compete unfairly with breastfeeding campaigns that work hard to show women that breastfeeding comes naturally and that given the right support, every woman can breastfeed.

MFMs are not covered by the scope of the International Code and the promotion of MFMs does not violate the letter of the International Code. They do stretch the spirit of the International Code by seriously undermining breastfeeding.

Abbott invests in national projects to improve the nutritional status of local communities. These projects like the one below in Vietnam serve public relations. Abbott, will be seen a health partner with the government and such joint ventures generate a lot of free publicity. The goodwill generated with policy makers will also make it harder to regulate the company for marketing violations.



Signing of MOU between MOH Viet Nam and Abbott for two projects to improve the quality of clinical nutrition at hospitals and among pregnant and nursing women. The project provides Abbott access to two very important channels of promotion – health workers and mothers themselves.

DANONE

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

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BRANDS COVERED BY THIS REPORT

INTERNATIONAL

Aptamil
Nutrilon

LOCAL 'HERITAGE'

Bebelac Gallia
Blédina Malyutka
Cow & Gate Malish
Dumex Milnutri
Sarihusada

RELEVANT LOGOS AND ICONS



GENERAL INFORMATION

Danone is present in over 130 markets and has 4 core businesses: fresh dairy products, water, early life nutrition and medical nutrition. Danone defines early life nutrition (ELN) to mean baby milks (infant formula, follow-on milk, growing-up milk), milk-and fruit-based dessert, cereal, jarred and ready-made baby food.

In 2016, Danone reported that its ELN business accounted for 23% of overall company sales (€5 billion out of a total of €22 billion with sales growth of more 3.5%), placing the company second only to **Nestlé** in the global baby food business.

Earlier company reports reveal that the baby milk segment accounts for more than 80% of Danone's ELN division activity with a special emphasis on the development of second and third stage milks for children over six months old. Complementary foods account for more than 10% of the activity and are marketed mainly in European countries such as France, Italy and Poland.

Multi-brand strategy

In 2015, top brands that contributed most to the division's growth were **Aptamil**, **Nutrilon** and **SGM** while the top countries were Germany, Australia/New Zealand and the Netherlands. These rankings reflect the change in purchasing patterns of consumers in China where parents shifted to foreign made products purchased on line or bought off the shelf in the above top countries through intermediaries. Surprisingly, most of Danone's European sales growth is from exporting products to China. Tightening custom rules may eventually curtail such exports. As part of its multi-brand strategy for China, Danone has paved the way for its international brands, **Aptamil** and **Nutrilon**, to enter the country directly through online and offline sales.

(See also 'The end of the road for **Dumex** in China' at the end of this section.)

On the Indian side, Danone launched **Aptamil** in early 2017 and has plans to launch **Neocate**, a medical nutrition product for infants and young children. Despite the strong Infant Milk Substitutes (IMS) Act of India which bans promotion and past problems relating to the company's independent audit (see "*What happened in India*" in the next column), the company is looking at doubling its revenue in India by 2020. It has announced plans to manufacture products locally as part of its "made in India" growth strategy. Its Indian manufacturing facility will also make products to export to neighbouring countries such as Nepal, Bangladesh and Sri Lanka. Danone owned products in India include **Protinex**, **Dexolac** and **Farex**.

Danone also owns a stable of other local brands which it describes as '*heritage*'. The marketing strategy of Danone's ELN division is to introduce global brands such as **Aptamil** and **Nutrilon** into emerging markets as premium products. Danone deploys marketing strategies of local '*heritage brands*' to different products in other countries. This allows formulations, trademarks and promotional devices to be freely shared among its subsidiaries. Even though a certain marketing platform has been introduced before in one part of the world, they are marketed years later in another as the latest innovation.

In BTR 2014, Danone was reported to be basing its marketing ideas on the 'first 1000 days' concept. It is the same concept UN agencies and non-profit organisations use in public health programmes to improve nutrition for women and young children.

The first 1000 days concept refers to a period when nutrition is recognised to have a long term impact – from conception to the first 2 years of life. It remains the ELN's main marketing strategy and product promotion continues to capitalise on this now famous catchphrase.



When Danone says, "the first 1000 days of life impact on your baby's future health", they mean you should buy their products targeted for that period.

Danone says its activities comply with the Code. This report shows it does not...

Danone says its activities complement breastfeeding and comply with the International Code of Marketing of Breastmilk Substitutes and local laws. This report shows it does not.

What happened in India

The company has internal documents that translate the Code into principles and apply it to day-to-day operations. An "independent" auditor evaluates Danone's compliance. In India, this independent audit was found wanting when auditors appointed by Danone failed to identify a series of payments made to doctors by **Nutrícia India** in violation of the Infant Milk Substitutes (IMS) Act of India. These illegal payments were exposed by Dairyreporter.com.



Exposed! A series of payments to doctors in India.

Danone conceded that there was a "risk of non-compliance". It is pertinent to note that the audit report did refer to this risk but tellingly added in the audit document- "*Nevertheless, necessity to animate the category*". Danone declined to comment.

The experience in India shows that Danone can be careless of the laws of the country it operates in. An analysis of Danone's main governance tool also shows that the standard of behaviour expected of Danone employees in the performance of their duties falls far short of the minimum set by the International Code read together with relevant World Health Assembly Resolutions. (see analysis under "*Where do they differ?*")

The recently issued Guidance on Inappropriate Promotion of Foods for Infants and Young Children has yet to make its debut in Danone's much vaunted governance tools.

Where Do They Differ?

As part of its presumptive commitment to responsible and ethical marketing practices, Danone issued **the Danone Policy for the Marketing of Breastmilk Substitutes** (aka “**Green Book**”; latest version 4, 30 May 2016).¹ The International Code of Marketing of Breastmilk Substitutes forms the basis for the **Green Book** but its intention IS NOT to interpret or replace the International Code but to aid Danone employees in understanding their responsibilities.



“As a company, it is important that we are consistent, clear and transparent as to the standards of behaviour we expect from our employees and partners in the performance of their duties, and to ensure this is done without ambiguity. The Green Book was developed for this purpose.”

The analysis below reveals how Danone misguides its employees on the International Code and creates opportunities for continued promotion of its products.

International Code and subsequent WHA resolutions	Danone Policy (Version 4: 30 May 2016)
<p>1. <i>Applicability & aim (WHA 34.22 [1981] & Article 1)</i></p> <ul style="list-style-type: none"> • Applies to all countries as a minimum standard. • Aims to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breastfeeding, and by ensuring the proper use of breastmilk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution. 	<ul style="list-style-type: none"> • Ignores the fact that the Code is a minimum standard and makes an unwarranted distinction between higher risk³ and lower risk countries to guide its marketing conduct. • The Code’s aim is twisted to lend support to Danone’s stated mission - “to bring health through food to as many people as possible”.
<p>2. <i>Scope (Article 2)</i></p> <ul style="list-style-type: none"> • Applies to <ul style="list-style-type: none"> - All breastmilk substitutes including infant formula, follow-up milk, growing-up milk and other milk products marketed for feeding infants and young children up to age of three years.⁴ - Foods and beverages including bottle-fed complementary foods that are marketed or represented as suitable to be fed to infants less than six months old. (Cross branding and certain promotion of foods over six months are forbidden.⁴) - Feeding bottles and teats. 	<ul style="list-style-type: none"> • Covered products include <ul style="list-style-type: none"> - Infant formula, food and beverage for infants up to six months of age. - Feeding bottles and teats. • In higher risk countries, the Code is extended to apply to follow-on formula. The Green Book arbitrarily excludes milks for older babies and products for use by children with special medical needs. • Danone only accepts that complementary foods and beverages must not be advertised or promoted for use by infants under six months of age in higher risk countries.

1 http://www.danone.com/fileadmin/PUBLICATIONS/Danone_Policy_for_the_Marketing_of_BMS.pdf; accessed 6/3/2017

2 Danone’s report on alleged non-compliance with The WHO Code (The Green Book), For the Period 1 Jan to 31 Dec 2014.

3. Higher risk countries are defined by Danone as countries that meet either of the following criteria: a) More than 10 per 1000 (under 5 years of age) mortality rate; or b) More than 2% acute malnutrition (moderate and severe wasting) in children under the age of 5 years. A list of higher risk countries appears at the end of the Green Book.

4. Guidance on ending the inappropriate promotion of foods for infants and young children (WHA69.7 Add.1); Recommendation 2

3. *Information and Education (Article 4, WHA 58.32 [2005] & Guidance 69.7Add.1 ⁴)*
- Requires inclusion of all necessary messages in information and education materials as specified under article 4.2 of the Code.
 - Article 4.3 read together with WHA 58.32 & *Guidance 69.7Add.1* call for avoidance of conflict of interest in infant and young child health programmes so information and education materials sponsored by baby food companies should not be allowed.
 - WHA 58.32 requires information to be given that powdered infant formula may contain pathogenic microorganisms and must be prepared and used appropriately.

- Commitment related to information and education materials does not fully cover all requirements listed in Article 4.2; in particular, in relation to use of other products covered by the scope of the Code, other than infant formula.
- Ignores call for avoidance of conflict of interest and continues to allow the distribution of information and education materials bearing company name and logo to pregnant women and mothers through health care organisations.
- Omits any mention about the need for health care personnel, parents and other care givers to be warned about the known public health risk, as described in WHA 58.32.

4. *Promotion (Articles 5 & 6; WHA 58.32 [2008] & WHA 63.23[2010])*
- Advertising and other forms of promotion to the general public, including contact with pregnant women and mothers are explicitly prohibited. This would include gifts and incentives offered via mum or baby clubs, promotion through the Internet, social media and other electronic means of communication, as well as within the health system.
 - WHA 58.32 & WHA 63.23 read together prohibit nutrition and health claims for breastmilk substitutes and foods for infants and young children, except where specifically provided for in Codex Alimentarius standards and national legislation.

- Trained staff are allowed to respond to queries from members of Danone's mums and baby clubs via phone, helplines, websites and social media. The Green Book contains no acknowledgment that communication with parents, especially any that includes promotional materials through such channels should be prohibited. This opens the door to use of product logos, idealising images of young babies and direct promotion of other products covered by the scope of the Code, other than infant formula.
- The Green Book contains no reference to claims about product formulations even though such claims abound in Danone materials.

5. *Free supplies (Articles 6.6 & 6.7; WHA 47.5 [1994] & WHA 63.23 [2010])*
- No free or low-cost supplies of breastmilk substitutes to any part of the health care system.
 - Any breastmilk substitutes required during emergency situations need to be purchased, distributed and used according to strict criteria.

- On the basis of a written request,
 - supplies of covered products may be made for use in or outside a health care organisation.
 - Danone may donate covered products in emergency and disaster situations through government channels or internationally recognised aid agencies.

6. *Financial or material inducements (Article 7.3)*
- No financial or material inducement to promote products taking into consideration resolutions WHA 49.15 & WHA 58.32 to ensure avoidance of conflict of interest.

- If allowed under local laws, inexpensive gifts and practice-related equipment may be given.
- Inexpensive gifts unrelated to health worker's practice in acknowledgment of significant national, cultural or religious events may also be provided.

7. *Sponsorship (Article 7.5; WHA 49.15 [1996] , WHA 58.32 [2005] & Guidance 69/7 Add.1 ⁴)*

- Sponsorship, financial support and other incentives for programmes and health professionals working in infant and young child health should not create conflict of interest.

Editorial note: Experts are of the opinion that such funding undermines the work of health professionals who have a fiduciary duty to safeguard the health and interest of their patients.⁵ Company involvement provides a way to gather health worker contact details and to promote products with information that is not scientific and factual.

- Sponsorship of events such as symposia, congresses or other scientific or professional meetings organised by Danone or by third parties are allowed. Health workers may be reimbursed for travel, meals, accommodation and registration fees.
- If allowed under local laws, bona fide consulting arrangements with health workers may be entered into for reimbursement of their service.
- Funds are also allowed to support “*genuine independent research*”, advancement of science and education or patient and public education in relation to covered products.

8. *Marketing Personnel (Article 8)*

- In systems of sales incentives for marketing personnel, the volume of sales of products within the scope should not be included in the calculation of bonuses, nor should quotas be set specifically for sales of these products. This should not be understood to prevent the payment of bonuses based on the overall sales by a company of other products marketed by it.
- Marketing personnel may not perform educational functions in relation to pregnant women and mothers of infants and young children. This should not be understood as preventing such personnel from being used for other functions by the health care system at the request and with the written approval of the appropriate authority of the government concerned.

- No restrictions on quotas for product sales
- Employees such as healthcare nutrition representatives and partners may provide education and support in cooperation with health care organisations at the request and with the written approval of the appropriate authority.

Editorial note: Functions are more important than job descriptions or titles. If the role of an employee or partner is to access mothers and to talk about a product or the benefits of a certain formulation, they should be deemed as marketing personnel.

Under Article 8.2, approval of the appropriate authority is only relevant for other functions unrelated to education that are carried out by marketing personnel. The issue of obtaining approval for other employees and partners to offer “*support*” other than education does not arise.

9. *Labelling (Article 9 & WHA 58.32 [2005])*

- Where applicable, WHA 58.32 requires explicit warning on the packaging that powdered infant formula may contain pathogenic micro-organisms.

- There is no mention of the need to warn about reference to this known public health risk on the label of infant formula in any setting.

10. *Monitoring Code compliance (Article 11.3)*

- Independent of any measures taken for implementation of the Code, manufacturers and distributors to take steps to ensure that their conduct at every level conforms to principles and aim of the Code.

- Danone will only take steps to confirm that their conduct at every level conforms to its Policy, not to the Code.

5. [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(17\)30277-5/fulltext?elsca1=etoc](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(17)30277-5/fulltext?elsca1=etoc)

What about FTSE4GOOD?

On June 7, 2016, the FTSE4Good Index announced the inclusion of Danone into an index that measures the performance of companies demonstrating strong environmental, social and governance practices. Under the FTSE4GOOD Breastmilk Substitute Criteria, a company does not have to comply with the international minimum standards as set by the Code and resolutions. Danone is only required to show that its practices on the ground are in line with stated policies.

By implication, FTSE's assessment endorsed Danone's weak interpretation of the Code and resolutions and is encouraging Danone to systematically violate the Code and national laws.

It rides roughshod over all other efforts to hold Danone accountable for its marketing excesses. It provides companies like Danone with a whitewashing tool which undermines government resolve to give effect to the Code and resolutions.

Dubious Intentions!

BTR questions the approach taken by the FTSE4Good Index and calls for the short comings of the FTSE4GOOD Breastmilk Substitute Criteria to be addressed.

The illustration below, taken from the main Danone website (accessed 15/3/2017), captures the unrelenting way through which Danone is pushing its products everywhere. There are actual violations on the ground which FTSE4GOOD failed to take into account. Where outright promotion is not allowed, the company finds other ways to undermine breastfeeding. Such practices are also ignored by FTSE4GOOD.



Idealisation of bottle feeding? And strong-armed tactics?

The end of the road for Dumex in China



In August 2013, a statement jointly issued by the New Zealand government and Fonterra warned that batches of ingredients supplied by Fonterra to four Danone plants in Asia-Pacific might be contaminated with *Clostridium botulinum* bacteria. This led Danone to recall selected infant formula products from sale in eight markets (New Zealand, Singapore, Malaysia, China, Hong Kong, Vietnam, Cambodia and Thailand). The alert was lifted several weeks later as when authorities in New Zealand concluded that there was no *Clostridium botulinum* in any of the batches concerned.

Although the warning turned out to be a false alarm, sales for the flagship **Dumex** infant formula were seriously affected in China, where the 2008 melamine-in-milk scandal was still fresh in people's minds. Business never revived since the reputation of the **Dumex** business unit also took a bad dent from being fined in a government price fixing probe in 2013.

In December 2015, Danone decided to give up efforts to revive the China **Dumex** business on its own. It entered into an agreement to sell the ravaged unit to Yashili International Holdings. In return, it received a 25% stake in Yashili and raised its 9.9% stake in China Mengniu Dairy, (Yashili's indirect parent) by another 2%. This move, according to a market analyst, "removes a problem business from **Danone's** headline numbers in the knowledge that investors will overlook the Profit and Loss impact as 'one-off' and 'non-cash'. It draws to a close the problems experienced with **Dumex** and follows a longstanding **Danone** approach of solving problem businesses by simply shedding them."

From 2016, the **Dumex** brand will be under the control of Yashili, cementing Danone's shift towards premium imported baby food.

Editorial Note: Danone subsequently terminated its existing supply contract with Fonterra and initiated arbitration proceedings for compensation. Neither the proceedings nor outcome of this arbitration has been made public.

PROMOTION TO THE PUBLIC AND IN SHOPS

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.
- **Article 5.3** of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.

- In Burkina Faso, welcome signs with the **Blédina** company mascot and logo continue to inform customers that pharmacies which stock their goods are open.



Open for business
- A sign at the entrance of a pharmacy in a hospital in Ouagadougou also advertises **Blédina**.

- In Comoros, a **Blédina** display rack found in a shop shows a photo of a mother with a young baby and the slogan, “a child’s food also prepares for his health tomorrow”. Even if the complementary foods displayed on the rack have age recommendations, the image of a young baby may encourage early complementary feeding. The rack itself acts as a device for cross-promotion of other **Blédina** products.



Promotion of complementary foods by **Blédina**, the main formula company in the country.

- In Gabon
- The law requires authorisation from the General Inspectorate of Health for the advertising of complementary foods but no authorisation had been obtained for these bill-board ads which were observed in several districts in Libreville. These billboards, installed for the occasion of the Mother’s Day (May 2014), were still there in late 2015. The ad promises the opportunity to win a scholarship to the tune of FCFA 2000 000 (EUR 3000) and numerous other gifts when mothers purchase **Blédina** products.



Implicitly encouraging mothers of infants to buy more products so as to increase their chances of winning attractive prizes.

- Danone uses the same double heart logo on the label of its **Nursie** and **Blédilait** formulae and its **Blédina** complementary food thus allowing for cross promotion. This practice violates the WHO 2016 Guidance on Ending Inappropriate Promotion for Infants and Young Children which states that there should be no cross-promotion for breastmilk substitutes. (A69/7 Add.1[2016]).



These double-hearts facilitate cross promotion.

- In Anglophone Africa, Mumsworld Africa, a website set up seemingly to support mothers in the region, is actually a front for Danone's **Cow & Gate**. Advice on the website 'looks' pro-breastfeeding but contains suggestions on what to do 'if things are going wrong'. Mothers are told that they are not alone and that they should contact 'Mumsworld'. Other than the tell-tale double heart sign, there is no visible indication that 'Mumsworld' is linked to Danone. This allows the company to pursue mothers through deceptive means. A click on the 'Health care professionals' tab takes readers to the Danone 'Baby Nutrition' website.



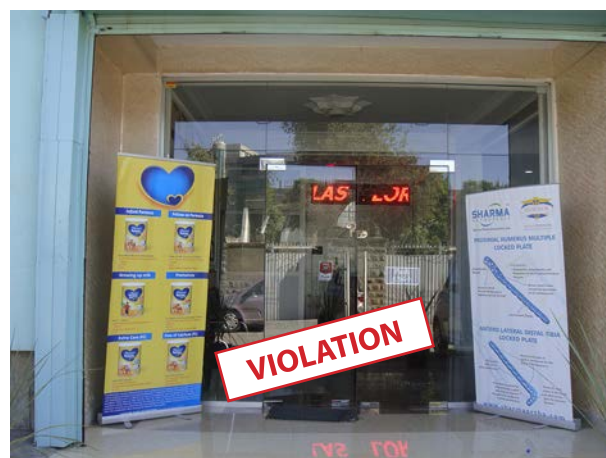
The website advises new mums on feeding and nutrition without disclosing its corporate link in a transparent way.

- In Ethiopia,
 - A roll banner, placed at the entrance of a pharmacy in Addis Ababa, promotes the full range of **Bebelac** formula products through the prominent display of the brand's double heart logo.



Products listed include **Bebelac** infant formula and follow-up formula.

- The banner contains short descriptions of the components of each product and includes the statements "key nutrients tailored for baby". There is no mention about the importance of breastfeeding. Although the local Ethiopian language is Amharic, the banner is only in English.



Right in front to catch the eye of the passer by.

- At the same place, an ad promoting the same **Bebelac** range of products can be seen lining an entire wall. Pictures of happy and healthy toddlers and statements such as "a happy tummy" and "strong bones" idealise the product.



Can't be missed. A **Bebelac** ad unabashedly lines a whole wall.

Editorial Note: The African market is not very significant for Danone in the near future but the company will have a strong priority to sustain its market share and to expand it in the long term as key emerging markets cannot be relied upon to provide growth in the long term.

We see persistent Danone violations in parts of Africa often using the same 'old' promotion techniques.

“WHO and partners estimate that global economic losses from lower cognition associated with not breastfeeding reached more than US\$ 300 billion in 2012.”

Implementation of the International Code Status Report 2016 - WHO, UNICEF, IBFAN

Editorial Note: For violations found in Western European countries shown below, Danone will defend the promotional practices as allowable under the national laws ignoring the fact that Code Article 11.3 requires companies to ensure that their conduct at every level conforms to it. Danone copies Nestlé in dividing countries into higher and lower risk and modifies its marketing practices according to this risk profiling. There is no justification for this double standard.

■ In France,

- Pharmacies in Paris promote **Gallia** products through special displays which include posters and shelf talkers. These promotional devices, put up during “*Le mois de bébé*” (Baby’s month) draw the attention of shoppers to the products as soon as they step into the store. Special price tags offer discounts and reimbursements as an incentive to buy more than one product. Shoppers also may win prizes when they buy **Gallia**.



Special display promotes a full range of **Gallia** products including infant formula, follow-up formula and growing-up milks with discounts of up to € 6!



Gallia 1 displayed alongside an attractive **Gallia** poster showing a baby with a feeding bottle.

- The **Evian** brand mineral water is promoted not only for the general public but as specialised water that is “*perfect for baby feeding*”. This slogan appears on the label alongside a picture of a feeding bottle. Below this is a contradictory statement to the effect that **Evian** supports exclusive breastfeeding for the first 6 months.



Text claiming full support for WHO’s recommendation on exclusive breastfeeding (top) is not supported by other parts of label, among them, the image of a feeding bottle and text assuring consumers that “*Evian water is perfect for baby feeding*”



The plastic packaging for **Evian** mineral water carry the image of a baby on roller skates to depict the suitability of the product for babies.

- **Evian** is being promoted on the **Evian Gallia** website as not only as ideal for feeding babies but for the hydration of pregnant women. Despite a notice about the importance of breastmilk, it states misleadingly that after 6 months giving babies 500ml infant milk per day is essential because they have specific needs including iron, essential fatty acids and vitamins up to the age of 3 years.



Offers that are “*the best for your baby*” include **Gallia** infant milk that is “*essential*” for babies after 6 months.

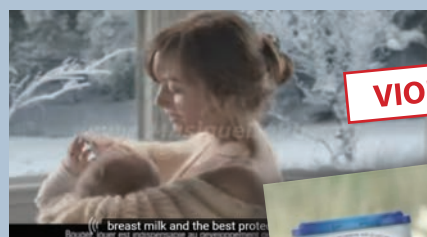
Editorial note: When water is marketed for use during a period when babies should be exclusively breastfed, it functions as a breastmilk substitute and is covered by the scope of the Code. Promotion is thus not allowed.

Recycling, the French Danone way

It could be lack of creativity or part of the Danone's austerity drive. Perhaps, the company is just cashing in on a promotional strategy that works but the video clips below, from France and the UK, show how the company recycles its ads. It does so by substituting one brand for another and transferring the same promotion across borders.



Déjà vu - Same mother, same baby, different brand - **Aptamil** in the UK 2012 (Left), as opposed to **Gallia Calisma** in France 2014. (Right)



Absent in the 2012 UK ad (Left), the hype in France in 2014 is about **Pronutra+** which was photo-shopped into the **Gallia** ad. (Right)



Both products relied the same 30 years of breastmilk research - time stood still but deceit goes on.



In Ireland

- **Aptamil** attracts parents to register with its Aptaclub website by inviting them to relate the one thing that they would tell first time mums in a programme entitled “*What’s your One Thing?*”. To encourage traffic, 4 lucky entrants will receive a Stokke mini baby cot but first they need to provide their personal details to facilitate contact by **Aptamil**.



Seemingly a service from **Aptamil** but the aim is to gain access to parents. To entice parents, advice offered on **Aptamil**'s website may earn a lucky few a baby cot.

- When mothers and mothers-to-be sign up with **Cow & Gate**'s “*You & Me Club*” online, they are given free access to Irish forums for new mums and mums-to-be along with money off coupons, mailings and a free pregnancy e-book worth €9.99. They will also be eligible to enter quarterly draws to win 2 nights at a hotel. In addition, members stand to win a 3-piece bedroom set consisting of cot / toddler bed, dresser with changer and a wardrobe. All these gifts might be given just for signing up with the **Cow & Gate**'s *You & Me Club*.



VIOLATION

Sign up form available online. If you are pregnant, the company wants to know your due date so you can be contacted as you're making infant feeding decisions.



- In Luxembourg, Danone **Nutricia** offers a free luminous toy bear for the purchase of two packs of **Nutrilon Pronutra 2** at a supermarket. The free gift resembles the product mascot, a white polar bear. The product label, as seen through the clear packaging of the gift box, carries a shield embossed with the claim stating that the product contributes to the functioning of the immune system.



This toy polar bear give-away is packed into a specially designed box for convenient handling.

***Editorial Note:** The same *Pronutra* formulation is promoted in the UK in late 2013 as benefiting eyesight and contributing to monumental “first step” milestones, mental and physical developments. The single claim made on the label of **Nutrilon Pronutra 2** in Luxembourg is more muted but it is still a violation.

- In Romania, Club **NUTRICIA** informs about baby expos where mothers will receive promotional materials and gifts to welcome the new family member. As official partner of these events, **Nutricia** promises every pregnant women will get a surprise. Moreover, pregnant women entering the club will automatically get raffle tickets to win prizes. They attract visitors from neighbouring countries like Moldova. Social media platforms promote **Aptamil** products through claims.



Nutricia club generate contacts with pregnant women and mothers while other social media platforms promote the full range of **Aptamil** products with health claims.

- In the UK
 - A supermarket in Edinburgh, Scotland offers 200ml packs of ready-to-feed **Aptamil First Milk** at reduced price. Two 79p packs are available at £1 only. This special offer is shown on the price tag below the products and the offer is available for a limited time only. The label of the ready to feed formula describe the product as “*breastmilk substitute with our unique blend of ingredients*”. A side panel states that the product is suitable for combination feeding thus undermining the global recommendation for exclusive breastfeeding during the first 6 months.



Any 2 for £1 - **Aptamil** offer on a supermarket shelf.

- The screenshot below shows a “before you go” offer promoting **Aptamil Profutura** infant formula to a mother who had bought nappies in the Morrisons online store in the UK. This had a price reduction offer and promoted the product with the idealising claim - “*Inspired by discoveries in Early Life Science*”. The store denied having infant formula on promotion but the same infant formula brand was found in the same store several months later (February 2017) with a printed shelf-talker offering the same 50% price cut.



Prompting impulse purchases. A poor reason for deciding to introduce formula or switch brands.

Going wild with smart phone app in the Ukraine

In a rarely seen move to promote its **Nutrilon 1** infant formula, Danone produces a full screen ad which pops up on a smart phone app that is totally unrelated to infant feeding. Above a picture of a young infant next to a packshot, the ad has a slogan in Ukrainian that reads, “healthy digestion for the first days!”



This ad for Danone **Nutrilon** infant formula pops up when a teenage girl used a mobile app.

Better?

Startling results are revealed when a search is made on the slogan as readers will be led to the Danone **Nutrilon** website. There, Danone **Nutrilon** advises that “proper feeding is better than cure”, and with “special milk formula, **Nutrilon 1**”, functional digestive disorder can be reduced. Promotional text below states that “successful future begins with **Nutrilon**”, and a button link directs visitors to an online shop selling **Nutrilon 1 & 2**.

Following pages reveal how **Nutrilon** provides “peace for mum and baby” by helping baby avoid problems with digestion.



Over in Asia,

- The slogan “if mommy is happy, baby will be happy” is used by **Dumex**, Danone’s front company in Singapore to persuade pregnant women to sign up with its *Heart Knows Best Community*. The double heart logo of **Dumex**, placed above the slogan “Nutrition from the Heart” is a direct promotion of the entire **Dumex** range of formula products even though no brand name is mentioned. Pregnant women are promised a free gift pack worth over SGD50, to celebrate their pregnancies. This offer is sure to get their attention and it enables the company to obtain useful data for subsequent contact.



Capitalising on the double heart logo, the company also maintains another website called, “heartknowsbest”, where the same gift pack is also advertised.

- **Dumex** Singapore also offers a value pack promotion through its website and facebook page of ‘New Age Parents’ whereby parents can receive SGD20 off their next purchase and save an additional SGD10 when they download the **Dumex Mamil Gold Voucher** through a given link. The ad on ‘New Age Parents’ shows the **Dumex** double heart logo with the slogan “Your Love, Our Global Expertise”.

“Healthy Gut for Total Well-Being” starts with **Mamil Gold Step 2**, now on special discount.



- Connected to this offer, 'E-Coupon' offers are found on supermarket shelves whereby the same SGD10 discount are given to shoppers for the purchase of products such as **Mamil Gold PreciNutri Step 2**. The announcement provides a website link as well as a QR code for shoppers to download or scan for the 'E-Coupon'.



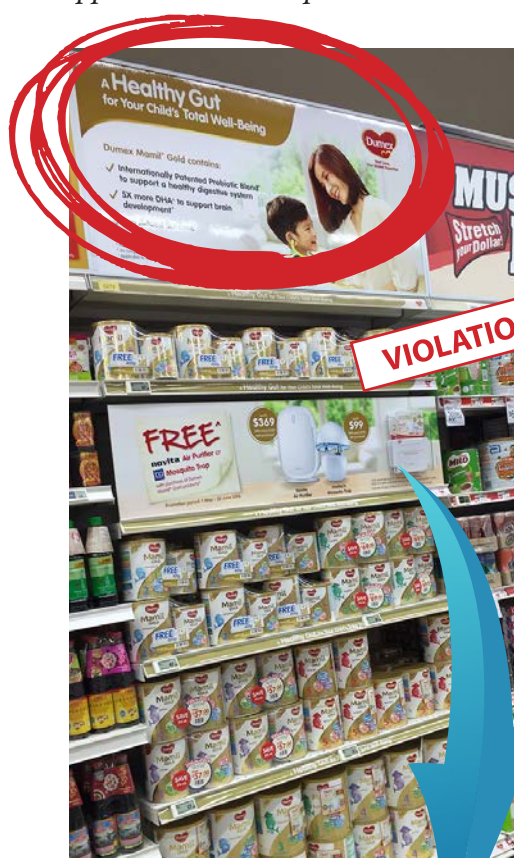
Information on the 'E-Coupon' can now be easily obtained by scanning the QR Code.

- Using the tagline "A healthy gut for your child's total well-being", **Dumex Mamil** offers attractive gifts to parents in a supermarket in Singapore. With every purchase of **Dumex Mamil** products (including **Dumex Mamil 2 & 3**) to the amount of SGD150 or SGD380, parents will be entitled to receive either a mosquito trap, a SGD18 **Dumex Mamil Gold** voucher or an air purifier. To redeem the gifts, purchasers are required to complete a form and provide information about the youngest child.

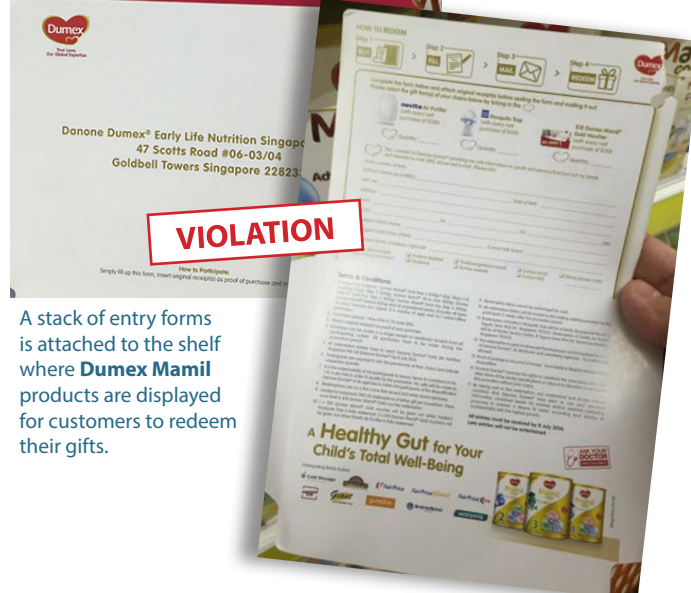


To make sure customers don't miss the promotion, every tin is tied with a leaflet to draw their attention to the offer.

- A display board at the top of the product shelf proclaims that **Dumex Mamil Gold** contains an "internationally patented prebiotic blend to support a healthy digestive system" and "5X more DHA to support brain development".



To top it off, this display board makes claims about **Dumex Mamil** products that are no longer allowed.



A stack of entry forms is attached to the shelf where **Dumex Mamil** products are displayed for customers to redeem their gifts.

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

- **Article 6.2** bans the promotion of products within the health care system.
- **Article 6.3** prohibits the display of products, placards and posters or the distribution of company materials unless requested or approved by the government.
- **Article 7.3** provides that there should be no financial or material inducement to health workers to promote products.
- WHA resolutions **58.32 [2005]** and **WHA 65.60 [2012]** call on countries to ensure that financial support and other incentives for programmes and health workers do not create conflicts of interest.

- In violation of the Afghan Regulation on Support and Promotional of Breastfeeding, Danone distributes to doctors in a healthcare facility in Kabul, ball point pens with a retractable mini banner containing promotion of an entire range of **Bebelac** formula products. The pen was distributed during a lecture about anti parasitic medicines.

On one side, the mini banner shows packshots of **Bebelac 1, 2 and 3** with the message in Dari (one of the official languages in Afghanistan) that the products contains essential nutrients and additives such as probiotics, nucleotides and iron for the growth and development of infants. The other side shows 4 types of formula milks - **Bebelac Premature, Bebelac AR, Bebelac HA and Bebelac LF**, all accompanied by promotional text.



Found in Afghanistan - a pen that speaks a thousand words for the **Bebelac** brand.

- In a healthcare facility in Phnom Penh, Cambodia, the door of every elevator carries large **Dumex** decals with the slogan, "**Dumex is doing all we can for mums and babies**". Next to a double heart logo is text which states, "**breastfeeding is best for healthy heart**". While the decal seems to be promoting breastfeeding, a visit to the maternity ward reveals that the company has been distributing regular size infant formula to every newborn baby. These free **Dumex** samples are distributed by hospital staff without parental consent or their expressed feeding wishes. By "**doing all we can for mums and babies**", **Dumex** is not promoting breastfeeding, but its own formula products which are globally represented by the double heart logo.



Open and shut case of promotion. **Dumex** greets visitors at the entrance of every elevator.



Regular size **Aptamil** formula on every bed. This baby is premature so the use of infant formula will greatly increase the risk of illness.

Editorial note: A week after the violations were exposed, the Department of Inspection from the Cambodian Ministry of Health visited the healthcare facility. All decals and **Dumex** formula samples were taken out and the healthcare facility agreed to cease such promotional activities. Later, Danone responded to deny there were violations. They admitted to distributing unbranded posters to educate parents on nutrition during the first 1000 days emphasising, according to the company, the importance of breastfeeding. Why, BTR asks, is Danone promoting breastfeeding in the first place? Is it to ingratiate the company name and product logo into the psyche of mothers and to earn the goodwill of health professionals?

■ In France

- A 12-page booklet bearing the **Blédina** logo intended health professionals acts as a mouth piece for the “*passage to the feeding bottle*”. The booklet uses statistics to show that many young mothers will stop breastfeeding for a variety of reasons and pediatrician need to be in a position to advise on bottle feeding.



Danone prepares doctors. A company survey shows mothers consider doctor to be the best source of information about the choice of first milk.

- A leaflet for **Blédilait** entitled, “*From birth or after breastfeeding*” intended exclusively for medical and health professionals promotes the formula for digestive tolerance, balanced intestinal flora and good infant (brain) development.



56.6% of mothers feel they do not have “sufficient information about weaning” so **Blédina** fills the void with product promotion.

- A brochure for health professionals, **Gallia** asks “*which formula, for which baby?*”. Inside the brochure, the company promotes Gallia 1 and 2, “*from birth for healthy infants*”.

Gallia 3 is recommended at “*500ml until 3 years old*”, a recommendation which has no basis other than to make mothers worry about the sufficiency of their breastmilk as their babies grow older .



Breastmilk advantages are represented in a drop may be good for infants “*whose intestinal flora is fragile*” but the message here is Galia products are good options?

Editorial note: In 2013, an investigation by the Bureau of Investigative Journalism for The Independent found that Danone has been marketing its formula milk product **Aptamil** in Turkey by suggesting mothers with six-month old babies might not be providing enough of their own milk to meet their children's needs. That campaign was also setting a milk intake at 500ml and Danone was accused in the UK press of misleading mothers and misrepresenting UN recommendations. The adverse publicity did not deter another Danone business unit from using the same theme in France. See also Editorial Note under the section on Promotion of Growing-up milks.

- Through posters entitled “*As of what age can I introduce different foods?*” placed on clinic walls, Bledina tells anxious parents that they can start at 4 months with cereals, potatoes, fruits and vegetables, all of course, conveniently available in **Bledina** jars.



(Left) Huge poster for clinic. (Right) Similar message “*the first spoons*” is on leaflets handed to mothers.

Editorial note: In Europe and especially France, complementary foods are promoted at the early age of 4 months. This is contrary to WHO recommendations.

■ In Gabon

- Danone occasionally sponsors professional meetings and uses the opportunity to exhibit products, advertisements and brochures with promotional content at these events. This is contrary to the law in Gabon which provides that information for health professionals should be limited to scientific information.



Danone earns goodwill from health professionals for sponsoring their events.

■ In Moldova, this height chart in a doctor's room promotes Nutricia's Malyutka and Malish formula products for infants aged 0 - 12 months.

The logo on the height chart is on all **Malyutka** and **Malish** products as can be seen on this label from the Ukraine where many products are imported.



■ In Niger, brochures of Blédine cereal products are distributed throughout health care facilities in Niger. These products are marketed for infants 4 - 6 months and are recommended for use with a feeding bottle.



The way **Ma 1ère Blédine** is promoted and labelled brings it strictly under the scope of the Code.

■ In Nigeria, Danone's Cow & Gate makes its presence felt in many hospitals, including baby-friendly ones, by widely distributing its Cow & Gate NutriStart 1 brochures. The cover of the brochure, marked "for HCP use only", carries the slogan "supplying essential nutrients. Inside another slogan states that, "NutriStart 1 supports healthy growth and development of the baby" and there are text and charts to explain how "Cow & Gate NutriStart 1 has prebiotics which have been proven to improve gut flora" and how the "ScGOS/IcFOS induces a bifidogenic effect that resembles the effect observed in breastfed infants".



Formula brochure meant for healthcare professionals contains idealising text.

■ In Norway, an ad in the Journal of Nutrition represents Danone - Nutricia Infatrini as "the optimal solution for infants with faltering growth". According to the ad, faltering growth in infants is common and can result in both short and long term consequences. Infatrini, a new and improved energy, protein and nutrient dense product will apparently ensure adequate nutrient intake of these infants. Claims that idealise Infatrini includes "calcium and Vitamin D for bone development", "improved LCP ratio for better visual development and cognitive functions".

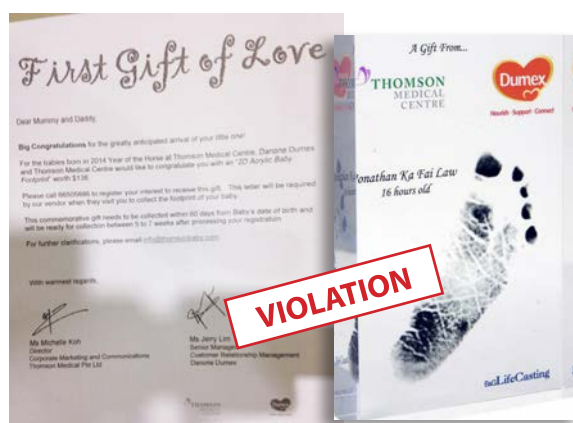
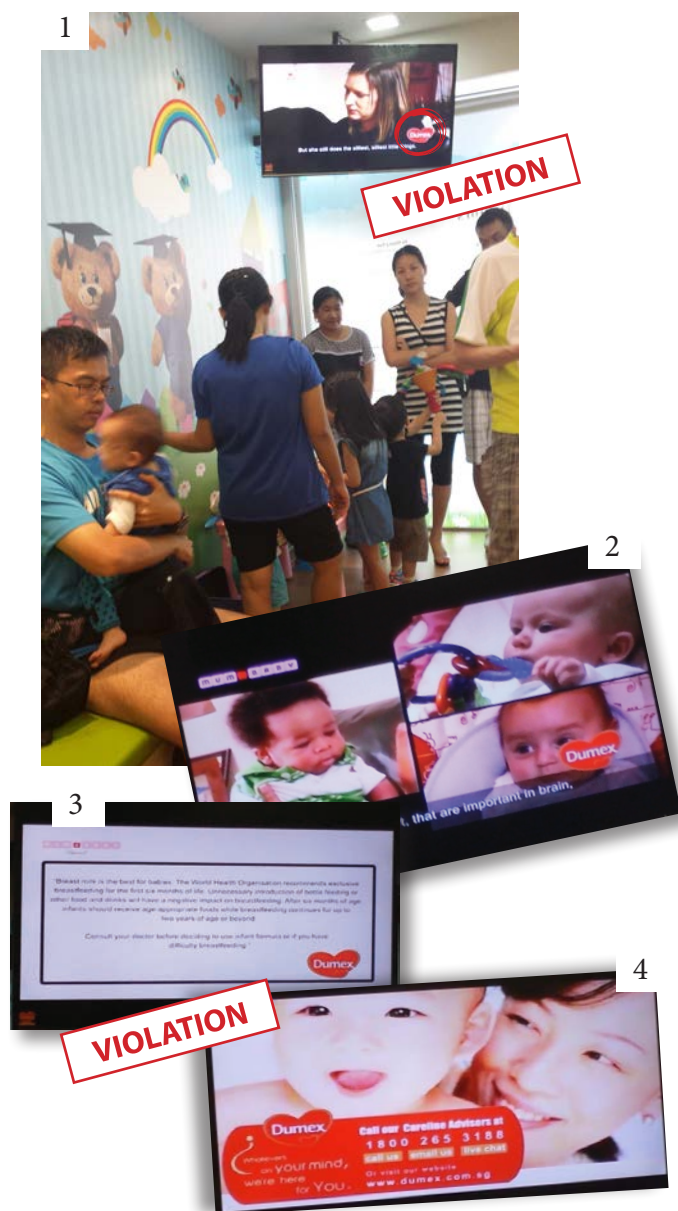


The equations may not add up but according to Danone, babies will catch up on growth with **Infatrini**. No matter how the product is classified, it is undeniably a breastmilk substitute. It should not be promoted or idealised through claims and the use of baby images.

■ In Singapore

- Amidst wallpaper decoration promoting Similac and Gain (products belonging to rival company Abbott), Danone-**Dumex** competes by screening a continuous 2-minute video clip on infant feeding in the waiting room of a private clinic. The clip showing cute young babies focuses on brain development in the first 2 years of life and the importance of good nutrition. Although no product name is mentioned, the **Dumex** logo is clearly visible to establish a link with its products to parents at the busy clinic. There is reference to the importance of long chain polyunsaturated fatty acids, an ingredient in **Dumex** formula products, for brain, eye and nervous tissue development.

- In addition to video clips, Danone sends out congratulatory letters entitled “*First gift of love*” to parents of babies born at a private hospital. The letter, sent jointly with the hospital, offers parents a free commemorative “*2D Acrylic Baby Footprint*” worth SGD138. In order to qualify for the gift, parents will need to register their baby’s date of birth. Danone’s vendor will then visit the family to collect the footprint of their baby. Grateful parents are able to collect the gift within 5-7 weeks after registration, before the baby is 2 months old. Few will realise that they have surrendered personal information to Danone for marketing purposes.



Joint letter from Danone and a private hospital offering felicitations and a tempting commemorative offer.

This ‘foot’, courtesy of **Dumex** Danone, will trample over breastfeeding.

- In 2016, Danone **Dumex** celebrates Singapore’s 50th year of nationhood by embarking on a gifting spree to new mothers at a private hospital. A company rep visits new parents to present hampers containing products such as Mamil Mum, towels, toys and other gifts. The double heart logo which is the trademark for **Dumex** products, is prominently displayed on the hamper. This unrestricted access provides a wonderful opportunity for **Dumex** to promote its products and to earn goodwill among new parents with the full endorsement of the hospital.



Photo opp with new parents. This type of gifts and access to parents are forbidden by the International Code of Marketing of Breastmilk Substitutes.

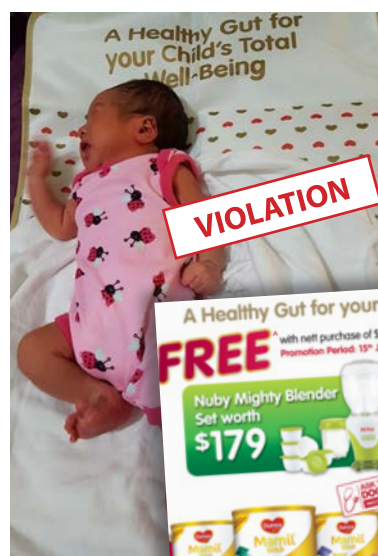
Parents being exposed to **Dumex** propaganda in the waiting room of a busy private clinic (1&2) and despite a reminder about the importance of breastfeeding (3), they are being prompted to contact **Dumex** Careline service (4).

- **Dumex** also conducts public seminars jointly with the same private hospital and other sponsors on topics relating to gut health of babies in their first 1000 days. The link to **Dumex** products is apparent from the use of the slogan - “Parenting from the heart”. As enticement, attendees of the seminar stand to get goodie bags worth SGD200 each.



Publicity materials promoting the “Discover your child's gut health in his first 1000 days” full day seminar held at the Raffles City Convention Centre.

- A mother of 4-day old baby received as gift a changing mat that is printed with a tag line “A Healthy Gut for your Child's Total Well-Being”. Even though no company logo is seen on the mat, a quick research on the company's website is sufficient to confirm the culprit behind this inappropriate gift: Danone **Dumex**.



A new-born crying over Danone's inappropriate marketing practices.



Free Dumex gifts with a slogan promoting “A Healthy Gut for your Child's Total Well-Being”.

■ In Switzerland, an ad in a 58-page programme book for a Swiss paediatric congress promotes **Aptamil Profutura Step 2** for “a healthy future for the next generation”. Showing a picture of a young baby playing with a molecular model to represent scientific development, the ad claims that the product is developed with formulation that will provide sustainable benefits for the brain, metabolic and immune systems.



Programme book for a professional conference contains several formula ads including one for **Aptamil**.

■ In Paraguay, **Nutricia** distributes toy sets marked as 'development kits' to pediatricians for children to play with in the waiting room while waiting for their turn to see the doctor.



A 'contribution' to the development of today and tomorrow.

PROMOTION OF GROWING-UP MILKS

The **Guidance on ending the inappropriate promotion of foods for infants and young children** issued by WHO in May 2016 reaffirms that breastmilk substitutes should be understood to include any milks that are specifically marketed for the feeding of infants and young children up to the age of 3 years including follow-up formula and growing-up milk.

Through this Guidance, it becomes clear that growing-up milks are covered by the scope of the Code and should not be promoted, something industry has been disputing for many years. This part of the report documents the way growing-up milks have been promoted by Danone, both before and after the Guidance was issued.

- In Comoros, (and no doubt elsewhere) **Blédina** flip charts about infant and young child feeding with the slogan, “*shared expertise in nutrition*” are distributed to health centres. A page from the chart promotes **Blédilait**, a growing-up milk 1-3 years. The product is described as containing 30% more iron, 12 times more essential fats and more vitamins (than ordinary milk). There is also a claim stating that the product contains essential nutrients for (the child’s) mental and physical development.



Promotion of **Blédina** for children 1-3 years. To the question “And breastmilk?” the answer says it is ideal for children up to 2 years... but a reminder tells mothers that every day, a baby needs 500ml (2 bottles) of growing-up milk.



- In France,
 - A leaflet for **Bledilait Croissance** has a toddler making a coming of age declaration that he is now a year old and his first resolution is to drink growing-up milk until he is three!



- **Blédilait Croissance+** flyer with a detachable voucher is distributed to shoppers in supermarkets and hypermarkets. Any shopper who produces the voucher is entitled to receive €1,20 reduction from the purchase price. To ensure enticements to buy the milk, the flyer introduces the product’s new “*precinutri*” formulation as an “*exclusive nutritional concept*” with iron and omega 3 (for brain development), prebiotics (for good intestinal flora) and Vitamin D and calcium (for strong bones).

A notice on the top left hand corner of the flyer explains that “*until a child reaches 3 years old, he continues to have special nutritional needs and the consumption of 500ml* of milk per day is recommended for nutritional balance. This is why Blédina nutritionists have developed a new formula with precinutri. Blédilait Croissance+ powder, an economical solution to cover the needs of your child up to 3 years*”.



This so-called new *precinutri* formulation is copied from other sister companies. The claims made in this flyer are not allowed on infant and young children’s foods.

***Editorial note:** Although this recommendation is attributed to a national nutrition and health programme, the UK Independent newspaper, had in 2013, published an exposé on Danone’s cleverly crafted marketing campaign around the recommended consumption of 500ml of milk per day. Experts interviewed questioned both the 500ml figure and the recommendation to use milk products. They said that Danone’s campaign is misleading and not backed by evidence but the company continues to talk about 500ml. The 500ml recommendation is also worrisome as mothers will that they are not able to produce that amount of breastmilk and will start to use **Blédilait Croissance+**, just in case.

- In Hong Kong, **Cow & Gate** growing-up milk promotion products are found in metro stations, on buses and in shops so no mum could miss the message that she needs to buy **Cow & Gate** for her child's optimum growth and development.



Painting the town red, both above and below ground. Expense is surely not an issue and the investment on promotion must bring in good returns.

■ In Malaysia

- Supermarkets display shelf talkers promoting a special offer whereby a free **Dugro** plate with a nutrition chart will be given away free with every 2 packs of **Dumex Dugro**.



Buy 2 and get a free plate. Don't forget about the brand while you eat.

- In shops, leaflets with the slogan "bring out your child's potential" explain how **Dumex Dugro** '5 Power Nutri' ingredients will nurture the latent



talent bestowed on every child. Parents concerned about supporting their children's growth in a well-rounded way, are told that '5 Power Nutri' will enhance multi-dimensional growth and bring about bone and brain development, healthy digestive system, increase immunity and vitality.

Leaflet showing the wonders of '5 Power Nutri'.

- A leaflet for **Mamil Learning** found in a clinic with the heading "Let it out" tells parents that if their children are experiencing digestive discomfort, they should try **Mamil** for 7 days (free pack available on request) to see the difference. The product supposedly contains a prebiotics mixture that helps maintain a good intestinal environment, supports stronger gut protective barrier, increases good bacteria and softer stools.



The gut is where every child's wellbeing starts – when he feels good inside, it shows on the outside... any problem? - solution **Mamil**.

- In Myanmar, as in Malaysia, the same promotional strategies for the **PreciNutri** and **5 PowerNutri** formulations are used for **Mamil** and **Dugro** growing-up milk brands.



5 Power Nutri formulation in **Dugro** are rated "Brite Starz"; each representing an ingredient complete with claims.



Promoting 'New and Advance **Mamil PreciNutri**' for a new generation of Burmese babies.

- In Nigeria, a brochure on **Cow & Gate NutriJunior Growing-up Milk** harps on the same "rich in essential nutrients" message that was used in the company's **NutriStart 1** promotional materials. It starts with the statement that growing-up milk plays an important role in balancing a "toddler's diet" and draws attention to "major nutritional problems besetting the African Region such as protein energy malnutrition and micronutrient deficiencies." Then, **NutriJunior** is offered as a solution because it is able to "reduce excess protein intake", "provides 60% of RDA (4) versus 1% from cow's milk", "reduces the prevalence of anaemia" and "helps to increase iron and vitamin D intakes".



Growing-up milks brochure with unsubstantiated claims speaks of balancing the toddler's diet with **NutriJunior**.

- In Pakistan, **Cow & Gate 3** is promoted as containing a unique nutrient blend of prebiotics to “help support your toddler’s immunity, so they are ready for new discoveries”.

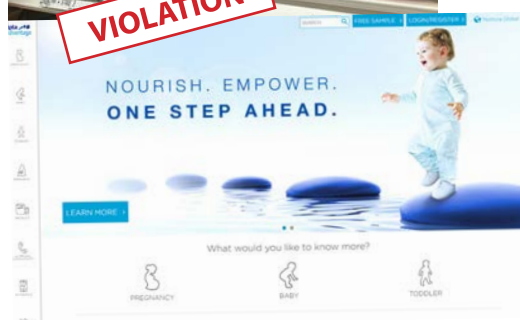


In Pakistan, it matters that the product is UK's #1.

- In Singapore, retail outlets often run special promotions for Danone's product range from **Nutrícia's Aptamil** to **Dumex's Mamil Gold** and while the Facebook page for **Aptamil** claims the product is rich with DHA, scientifically tested to support your child's brain and eye development.



Coming of age. The graduate dolphin on the **Mamil** label first made its appearance circa 2010 as an undergraduate (no mortar board) mascot for the brand's old formulation – Immunofortis.



This **Aptamil** promotion discards the Danone double heart logo for blue futuristic stepping stones to stay “one step ahead”.

- In the UAE

- **Aptamil Junior with Pronutra** is advertised with the slogan, “you lay the right foundations for your child, we are here to help you.” The product is described as a nutrient enriched formula that helps boost brain, vision and immunity development.



Nurturing a future champion the Pronutra way.

- The product launches in Dubai with the slogan “My future champion” were festive affairs with games and gifts to attract parents and their toddlers.



There to impress; what parents don't wish for a bright future for their kids?

Confusion with numbers

- The age indication of Danone's growing-up milk varies from country to country. In 2017, **Nutrilon** growing-up milk in Belgium, France, Germany and other European countries is indicated for use by young children aged 1+.

In Paraguay and most developing countries, **Nutrilon** targeted at the same age range is marked with the figure 3 to indicate the stage, not the age.

Why the company feels it is necessary to mark the product differently is a mystery. Parents on the go will be very confused when they shop for **Nutrilon** growing-up milk.



Is it 1+ or 3? Age or stage?



Company van in Paraguay zips around Asuncion promoting the premium version of **Nutrilon Stage 3**, marketed for children one year and above.



JUST IN FROM BRAZIL !

- This page contains evidence received after the company report layout was finalised.

Look at this, huge promotion!

This oversized model of a **Milnutri Pronutra** tin calls customers into Drogasil, a Sao Paulo pharmacy.



Inside they will find a special offer: Buy 2x 800g tins and receive a free set of coloured blocks that slot through the tin's lid when its empty.



Clever and attractive... and violating the Code.

LOOK WHAT THEY'RE DOING IN CHINA



The Chinese baby food market is dynamic and to bring business back to its pre 2013 levels (botulism scare; The end of the road of **Dumex** in China “The end of the road for Dumex in China” on page 29), Danone ELN China has adopted a “multi-brand” strategy to improve its cover of the various distribution channels and price bands. The company has accelerated promotion of its international brands such as **Aptamil**, **Karicare**, **Cow & Gate** and **Nutrilon** and is also investing heavily in a network of specialised stores for mothers and children (where more than 40% of sales are made). It is also continuing to develop e-commerce. It readily admits in its media communiqué (accessed 19/3/2017) that it has optimised its presence across different distribution channels to develop links with mothers. This part of the report focuses on the promotion of Danone **Nutricia** brands : **Aptamil** and **Nutrilon**.

E commerce for the Chinese market

An official partnership forged between Danone and China e-commerce retailer Tmall (through counterpart windeln.de) in 2016 enabled Chinese customers to buy overseas products via safer and official delivery routes. A glance on the Tmall website shows all kinds of Danone products including **Nutrilon** and **Aptamil**, with the website boasting its “official authorised” retailer status. While there are no signs pointing to any promotion at the outset, a visitor who clicks on the image of the product will find the product sales page that reveals discount prices, blatantly violating the Code. (see below)

“Fronting” compliance: No signs of discount, just prices listed.

Click on the image of the products and the big discounts and offers will appear, together with the assurance that the website is in official partnership with Danone.

6 months and no more

The **Aptamil** website for China, <http://www.aptilamil.com.cn/formaul> discusses WHO’s infant and young child feeding recommendations. However, the messages only include “breastfeeding up to 6 months” in the 0-6 months category and the same message appears in the 6-12 months category. For the 12-36 months category, Danone prescribes **Aptamil 3**. This information is deliberately misleading as global public health recommendation is for breastfeeding to continue for up to 24 months or beyond.

Misleading parents by distorting global public health recommendations in order to promote products.

Also, in the Guidance on Ending Inappropriate Promotion of Foods for Infants and Young Children (A 69/7 Add. 1) welcomed in latest WHA resolution WHA69.9 [2016], any milk product marketed up to 36 months is considered to be a breastmilk substitute and should not be promoted. It is unacceptable that Danone deliberately misinforms parents, confusing them on the global public health recommendation to promote its products in a country it considers to be “higher risk”. (see *Where Do They Differ* “Where Do They Differ?” on page 26)

The situation on the **Nutrilon** website is equally bad. As soon as one enters, a pop up window states, “According to the World Health Assembly, exclusive breastfeeding is recommended for 6 months. We strictly follow the International Code of Marketing of Breastmilk Substitutes, and support breastfeeding.” The real global public health recommendation is for breastfeeding to continue until 24 months. Ignoring that paves the way for the company to promote products targeting babies aged 6 months and above.

Made in Holland

To impress Chinese parents who prefer to place their trust on imported formulas, the home page of **Nutrilon Pronutra+** boasts of its manufacturing origin in Holland and a dossier of testimonies from mothers describing how beneficial and reliable **Nutrilon** is.



诺优能 满满的荷兰骄傲
传承三代*智慧 众多妈妈挚选

妈妈的信赖

一直在哪儿买的，这次换新包装了。发货和物流都迅速

发货快，包装也很到位，好评！

来自 天猫商城 | 2014/08/25

来自 天猫商城 | 2014/08/25

VIOLATION

Broadcasting the Dutch origin of **Nutrilon** to the urban elite who prize imported products.

Exploiting mothers' trust: using their testimonies as promotional messages.

The product on show in the official Danone website may be for older young children but any mum with a newborn who is convinced by testimonies from other mums and the Dutch origin of the product will instantly find what she needs via online platforms based in Hong Kong with links to distributors in the Netherlands.



Boon's 百年BOONS 传承品质

荷兰新嘉坡安心罐牛乳粉Nutrilon奶粉1段原装进口

满688减20

VIOLATION

Aptamil 近似母乳 百年奶粉集团旗舰品牌

满688减20

VIOLATION

(Left & Centre) - Not just available and accessible but on sale at less than half the retail price, quoted in Chinese currency and targeting the Chinese market. (Right) - The whole **Aptamil** range is promoted here. The descriptions on the Taobao Internet retailer webpage says, “close to breastmilk”, a blatant Code violation.

Premiumisation for the urban elite

New premium ranges are being developed specifically for the Chinese market targeting the “*nouveau riche*” who will spare no expense in procuring what they believe is best for their babies. An example of Danone’s aggressive marketing can be seen on the central banner on the **Aptamil Profuturo** homepage. There, a Caucasian baby steps upwards, with elements such as “LCP3”, “scGOS/lcFOS”, and “milk fat” in the background. This image sends the message that an early start on **Aptamil** premium range with all the “*scientific additives*” is necessary for the progress and development of a healthy “golden” child.

It does not matter if the focus is on **Aptamil 3** and 4, **Aptamil 1 & 2** are also fortified with the same formulation and can be found nicely stashed away in other web-pages.



Stepping up on **Profuturo** a new buzzword for this “premium product.”



Aptamil 1&2 are partially hidden but mums will get the message. – promotion is for the entire range.

Product premiumisation is also apparent in the **Nutrilon** line. The website for its premium brand, “**Nutrilon Platinum**” sings praises to the science of Danone’s Early-life Nutritional Programme (ENP). The company claims ENP replaces “*myths and assumptions with the latest scientific discoveries and nutritional knowledge that will help to improve the health of the next generation.*” A link is provided to the “ENP” website where visitors can find an over abundance of scientific “information” on child development and nutrition through their “*ENP elite DNA programme*”.



Nutrilon platinum for those who can afford premium prices.

Premium products with premium services designed to help parents improve the health of the next generation.

Rampant promotion through health claims

If selling hopes and dreams built on early life programming does not work, scare tactics can go a long way. Parents are shown how the four major hazards faced by babies - *imbalanced nutrition, indigestion, “heatiness”, and poor quality* - can be tackled by the six advantages of **Aptamil 1**. The six advantages are described as : *high quality, promotes development, strengthens immune system, close to breastmilk, not “heaty”, and reduces constipation*.

Editorial note: This **Aptamil** promotion not only uses unsubstantiated health claims but capitalises on concerns that are “culture specific” to target Chinese consumers. “Heatiness” is a concept specific to Chinese medicine. “Heatiness” and its opposite, “coldness” are part of a traditional Chinese medicine classification system that describes the factors causing certain illnesses normally associated with food. “Fake” or low quality local products are always a concern among Chinese consumers due to many past incidents concerning food safety and food fraud in China.



No contest. Which baby would you pick? The crying, cantankerous one on top or the happy, healthy, golden child below.

The **Nutrilon** website is no less claim driven. It showcases idealising text and images in “milk drop” shaped design. Clicking on the “milkdrop”, visitors will be led to rampant promotional health claims such as “*Nutrilon knows lactose is key to your baby’s healthy growth, therefore we insist on 100% lactose formula design*”. It also claims its lactose formula is “*beneficial for dental health*”



Using a milk drop to depict closeness to breastmilk with ensuing claims that violate the International Code.

Editorial note: Text inside the milk drop says “100% lactose formula design. Clicking on the milkdrop brings the visitor to a page that explains the benefits of lactose (sugar found in milk), and compares its superiority over sucrose.

A scroll down the **Nutrilon** website will show a shield like icon encompassing the “scGOS” and “lcFOS” formulations. There is a message which states, “*Nutrilon knows prebiotics are necessary to protect intestinal health, therefore we have especially added our patented prebiotic combination*”. Graphics and text are used to depict how the prebiotics benefit intestinal health. scGOS and lcFOS are described as “*European patented prebiotic combinations*” that “*support your baby’s immune system*”. The website informs parents that a key element added to **Nutrilon** is “*a scientific dose of DHA for your baby’s later-stage cognitive development*”.



Depicted in graphics: unsubstantiated claims regarding the benefits prebiotics bring to intestinal health.



Boasting about scientific ratio and a European patent to mask health claims violations.



No guessing required as to what DHA in **Nutrilon** is supposed to do for baby’s brain but the text actually reads – “*Nutrilon knows DHA is a key element that promotes cognitive development, therefore specifically added the scientifically-appropriate dose of DHA (0.2% - 0.5%)*”

Interactive tracking tool that opens door to contact with mothers

The **Nutricia** Program website contains an interactive monitoring tool. It tracks the daily food and nutrition intake of women before and during pregnancy as well as during the breastfeeding period. It provides visitors access to an “ENP consultant” for baby food and nutrition advice thus opening the door for company contact with pregnant women and mothers. This tool sets the stage for a long and lucrative relationship between **Nutricia** and the mothers who join the programme.



Data provided by mums will enable the company to tailor its promotion to match the different stages of development of these women’s children.

Callers asking about the ELN programming will subject themselves to product promotion.

LOOK WHAT THEY'RE DOING IN RUSSIA



In Russia, Federal law N 38-FZ (revised 2015) minimally restricts advertising of breastmilk substitutes. The local Danone business unit, **Nutricia Russia** states on its website that it complies with the International Code as well as the national legislation on the promotion of food products for children. The report below shows that the company is using the less stringent standards of the national legislation to guide its marketing.

Danone has also its own marketing policies in which the company agrees that infant formula, follow-up formula and complementary foods and beverages for infants below six months must not be promoted. The Danone policy only applies to “higher risk countries”, in which Russia falls in, the promotion of these products is still found in abundance, not just in violation of its own policy but the minimum standard set by the International Code.

One company - three brands

Nutricia Russia markets **Nutrilon**, **Malysh** /Малыш (“child”) and **Malyutka**/МАЛЮТКА (“baby”). The company keeps a low profile for **Malysh** but uses creative marketing for **Nutrilon** and **Malyutka**. Both brands are heavily promoted on the Internet and on various social platforms. For instance, **Malyutka**



promotion can be found on Instagram at <http://instagram.com/malyutkalove> and on a Russian platform, Odnoklassniki at <https://ok.ru/twoheartsbeatasonel>. **Nutrilon** promotion on Instagram can be found at <https://www.instagram.com/nutriclub.ru/> and on YouTube at <https://www.youtube.com/2heartsbeatas1>. (all accessed 30/3/2017)

The three brands promoted by Nutricia in Russia are represented by their infant formula range here.

Fan pages to reach thousands of mothers

The brand **Malyutka** proudly announces on its website (<http://www.2heartsbeatas1.ru/about/>) that thousands of modern mothers choose its products. This statement establishes a positive association between being a modern mother and formula feeding, making it a lifestyle choice and normalising formula feeding.

Malyutka's slogan - “2 hearts beat as one” - alludes to its iconic double-heart logo found on all Danone formula products. In this respect, the **Malyutka** web pages are overloaded with hearts and babies and aim to inspire mothers on how their love and affection for their children can be expressed through **Malyutka** products.

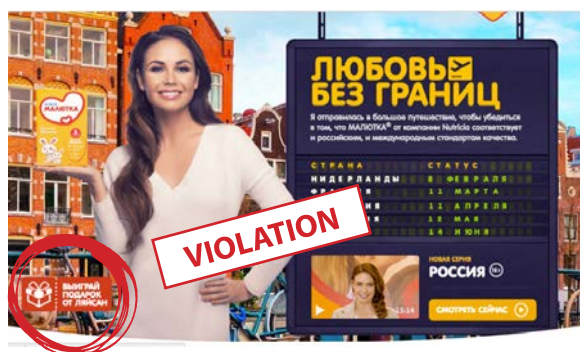
The fan pages also allow mothers to consult **Nutricia** employees on infant young child feeding matters.



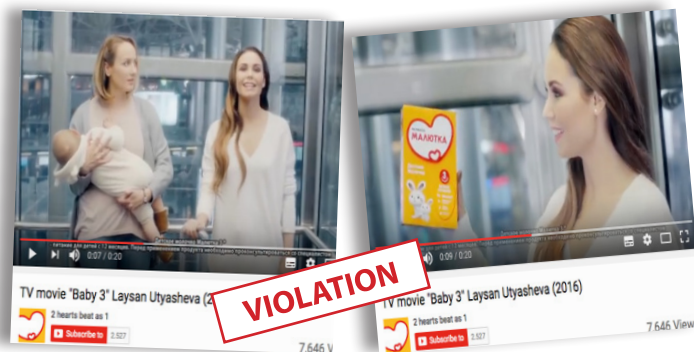
Pictures of babies are framed within the double-heart logo exuding the warmth of a mother's love and idealising the use of breastmilk substitutes.

Love without borders

Laysan Utiasheva, a well-known athlete and mother of two children, is **Malyutka**'s latest ambassador for its growing-up milk product **Malyutka 3** (for children from 18 months onwards). In her own show called "Love without borders" (https://www.youtube.com/watch?v=_A3QiUt1W4g), the famous athlete travels around the world to verify whether **Malyutka** products meet international quality standards. Along the way, she educates viewers on parenting techniques in Europe and invites mothers to join **Malyutka**'s fan pages where they will get the chance to win exquisite gifts including plane tickets. All her efforts are to promote **Malyutka 3** which professes to contain everything a baby needs for harmonious growth.



Laysan Utiasheva promotes **Malyutka 3** on her show. A little gift symbol (bottom left) draws attention to interesting prizes that could be won.



It's all an act but Laysan Utiasheva is shown to be promoting **Malyutka 3** samples to young infants in a youtube video ad even though the product is meant for young children from 18 months.



Under the "2 hearts beat as one" nation-wide campaign, life-sized banners of the famous athlete beckon at customers at shop entrances.



Parents are invited to **Malyutka** events at a famous children's store in Moscow. To encourage participation, free gifts, live rabbits and professional photography are some of the attractive incentives provided.

Meet the experts

Under a project called Development Navigator (Навигатор развития), experts appointed by **Nutrícia** organised meetings for mothers of infants and young children to exchange knowledge and experience on nutrition and child development. Mothers are informed at these meetings that the human brain is developed at 80% in the first three years and that children need important nutrients such as DHA – "a fatty-acid that promotes the development of the child's intelligence". Mothers learn that breastmilk is a source for DHA in the first year of an infant's life but that infant formula is an alternative source when breastmilk is 'insufficient'. Even though these meetings are intended to be purely informative, an exhibition of **Nutrilon 3** (1-3 years) products clearly shows that it is an under-cover promotional event for all **Nutrilon** products.



Experts of **Nutrilon** talk about the important role of nutrition in child development. These meeting are used as platforms to promote **Nutrilon** products and to get in direct contact with mothers.

Editorial note: These events are set up to circumvent Code Article 5.5 which prohibits marketing personnel from contacting pregnant women and mothers of infants and young children directly or indirectly.

From virtual to actual

Nutricia's products are not only promoted in the virtual world. Code violations are spread all over the physical world. Even though the Code does not allow promotional devices at the retail level, the use of discounts to induce the sales of products are not only common but blatant. They involve infant formula and follow-up formula products even though Danone's own marketing policy prohibits such practice in countries like Russia which the company classifies as 'higher risk'.



(Left) With a 20% price discount on **Nutrilon** infant formula and follow-up formula, Danone violates the Code as well as its own policy.

(Centre) A sticker saying "Profitable" implying customers stand to gain from the decreased price of **Nutrilon 2**.

(Right) Yet another discount, this time at 17% for **Malyutka** infant formula.

4, 5 or 6 ? The long-standing dispute over age

On **Malyutka's** website (<http://www.2heartsbeatas1.ru/products/bezmolochnye-kashi/malyutka-bezmolochnaya-kasha-kukuruznaya/>) three different age indications are given for introducing complementary foods: after 4 months according to Russian standards; at 5 months (no reference); at 6 months following WHO recommendations. Where labelling is concerned, **Malyutka** products show different numericals such as 1 (referring to stage of development) and 6+ (alluding to age). On Instagram, **Malyutka's** buckwheat complementary food is described as suitable for babies aged 4 months. As products are normally displayed side by side in shops, mothers get really confused as to when complementary feeding should begin and whether they should be guided by stage or age.



Danone not only violates the Code and subsequent resolutions but also neglects its own marketing policies by promoting complementary foods before the age of 6 months.

Along the corridors of healthcare facilities

Danone **Nutricia** infiltrates the healthcare system with posters, brochures and height charts that carry brand names and logos which can be found on product labels. Multiple copies of these materials can be seen - the rule of thumb is that if you detect a violation once - you expect to encounter it again elsewhere.



A **Malyutka 1** height chart - the giraffe's mouth is replaced by the brand's logo; its name appears on the fore leg.

A notice board in a maternity hospital appears with **Nutrilon's** shield logo and its mascot polar bear which appears on the label of **Nutrilon 2**

While this picture appears on posters in different hospitals promoting the infant formula of the **Nutricia** brand **Neocate**, in Moscow...

...the same models advertising **Neocate** in another ad are found in the programme book of a science and research conference in Saint Petersburg.

LOOK WHAT THEY'RE DOING IN TURKEY



In Turkey, the local business unit of **Nutricia** promotes its **Aptamil** and **Milupa** products. **Aptamil** is the main brand for formula products while both brands promote complementary foods. **Lactamil** milk for mothers which falls outside the scope of the International Code is often promoted together with these products.



A full range of **Nutricia** products marketed in Turkey.

At first glimpse, **Nutricia**'s website in Turkey appears to have departed from Danone's first 1000 days campaign that the company is focusing on elsewhere. A closer look, however, shows that the website is tailored by the same hands. While in the past, the website went under the name "first1000days.com" (<https://ilk1000.com>), **Nutricia** now has a slightly modified domain name - myfirststeps.com (<https://ilkadimlarim.com>). The company is still applying Danone's first1000 days strategy and "first steps" do not take the company any closer to Code compliance. For example, in violation of the Code, mothers are invited to become members on myfirststeps.com with attractive gifts and discounts. They are promised step-by-step tips and advice from experts to make their lives easier - all packaged around **Nutricia** products.

İLK ADIMLARIM'A ÜYE OLDUNUZ MU?

- ✓ Adım adım yaşam kolaylaştırıcılar
- ✓ Uzman görüşleri
- ✓ İndirim fırsatları
- ✓ Birbirinden lezzetli tarifler

İlkAdımlarım'a üye olun, bebeğinizle özel içeriklerden ve ayrıcalıklardan faydalanın.

ÜYE OL

VIOLATION

ilkadimlarım
annelik yolculuğunuzda,
her adımda yanınızda.

(Left) A pop-up ad invites visitors to join the "MyFirstSteps" club with offers of benefits such as discount and delicious recipes.

(Right) Myfirststeps promises to be by mum's side at every step of her journey. A mathematical display confirms **Nutricia** is continuing to ride on the global campaign to educate parents about nutrition for the first 1000 days but **Nutricia's** math is questionable. The company mixes up days with steps and illustrates how the sum of days equals steps 270 days (pregnancy) + 365 days (1st year) + 365 days (2nd year) = 1 000 steps. Days do not add up to steps but from an advertising perspective, it is a way to get mothers to align their experience in motherhood with **Nutricia's** message.

A prominent and non-aging model

Nutricia Turkey is fond of its infant models. The same baby girl is booked for different campaigns. In March 2016, the model is the face for the campaign **first1000steps**, posing as a young infant enjoying the **Aptamil 2** follow-up milk on Instagram where mothers are invited to participate at a draw by sending a picture of their own infants. The very same model appears after a good ten months, in January 2017, for the latest *myfirststeps* campaign, wearing the same outfit and looking not a day older. As if she is stuck in 2016. She poses this time in a sitting position and promotes **Aptamil 4** growing-up milk. Interestingly enough, the same baby is also the face for **Friso** in Russia! It promotes **Friso 3**. Poor kid..



(Left & Centre) **Aptamil 2** or **4** where the Code is concerned as both products are marketed for babies below 3 years.
(Right) Still clutching the same bottle and wearing the same outfit, this baby is transported from Turkey to Russia ; from **Aptamil** to **Friso**.

Editorial note: The violation lies, not in the use of the same baby model, but in the advertising itself. In these ads, the products advertised are breastmilk substitutes. Turkey's 2014 laws on marketing of baby foods resemble the 2006 EU Directive on Infant Formula and Follow-on Formula. They are narrow in both scope and ambit. BTR holds Danone accountable to the minimum standard set by the International Code (Article 11.3).

Ignoring its own marketing policy

Danone's marketing policy (see analysis under Background) states that follow-up milks must not be promoted in higher risk countries such as Turkey. Nevertheless, promotion of **Aptamil 2** follow-up milk is found in abundance. Social media platforms such as Facebook and Instagram are commonly used to access mothers. Apart from posting about the advantages of **Aptamil** products, mothers are encouraged to post comments and questions. **Nutricia** forges a relationship with mothers by being responsive to their concerns and re-assuring them about their infant feeding choice.



(Left) **Nutricia** undermines mothers' natural ability to breastfeed by telling them there's **Aptamil** in case breastmilk is not sufficient.

(Center) A concerned mother is assured about the safety of **Aptamil** products.

(Right) The iconic shield symbolises the protective effect of the product.

Aptamil 4 advertised below is aimed at young children aged one year and older. This is clarified by the term 'child' (Çocuk) and a side note explaining "from one year on" (1 yasından itibaren). Clearly, it is a



This young child wearing a graduation cap implies **Aptamil 4** leads to a bright and promising future.

product under the scope of the Code. The word 'child' is replaced by 'baby' in the slogan which announces - "Your baby's future starts today (*Bebeginizin Gelecegi Bugünden baslar*)". Is the choice of words intended to convince mothers to cease breastfeeding and start giving **Aptamil 4** ??

Unsynchronised voice-over

A YouTube video for **Aptamil** 4 growing-up milk starts by showing a breastfeeding mother while the voice-over explains how mothers contribute to the successful future of their babies. A quick and smooth transition scene shows the baby letting go his mother's finger to take his first independent step. In the next second, a child is shown taking steady steps towards **Aptamil** 4 and mothers are praised for guiding their children in their life's journey - being by their side and enjoying their successful moments such as graduating from university.

In one single sentence, breastmilk is confirmed to be the basis for the children's healthy development but **Aptamil** is recognised for contributing towards their achievements – a fact attributed to 40 years of research to forge similarity between the two. The video ends with the happy mother feeding her child with a bottle of **Aptamil** 4 growing-up milk and the message: “Your baby's future starts today.”



Cross-promotion

Aptamil offers complementary foods that are “nutritionally tailored” for babies aged 6 -36 months and fortified with *Pronutravi*, the supposedly unique blend of ingredients composed of Galacto- and Fructo-oligosaccharides, iron and Vitamins A, C and D. This formulation resembles the *Pronutra* fortified powdered formula marketed under the same **Aptamil** brand.

The newest strategy of the brand is to blend powdered formula milk with complementary foods and to market the new blend using the same brand name and similar packaging and promotional symbols.



The iconic shield and the 3 atomic molecules shown on the label represent the **Pronutravi** blend and is used to promote both formula and complementary food of the same brand.

Another way of cross promotion is to display both ranges of products next to each other, inspiring mothers who are already using **Aptamil** follow-up milk to buy a brand of complementary food under the company's own stable of products. This ensures a captive customer base. It is also pertinent to note that even though feeding with a spoon is recommended on the label of Milupa's complementary food, the baby in the ad is pictured with a feeding bottle.



Milupa complementary foods are displayed next to Aptamil 2 follow-up milk. Bottle-fed complementary foods come under scope of the International Code (Article 2))

***Editorial note:** These types of cross promotion are no longer allowed following recommendation 5 of the WHO Guidance on ending inappropriate promotion of foods for infants and young children (WHA69.9 [2016])

Recipes with formula milk

Nutricia is going one step further to inspire mothers to prepare their babies' meals using **Aptamil 2** follow-up milks. Both on the **Nutricia** website as well as on social media channels, various 'healthy' recipes for different meals such as soups and yogurts contain **Aptamil 2** follow-up milk as a main ingredient. The Code prohibits all types of promotion of follow-up milks as well as contact with mothers.



This young baby is obviously below six months of age. In promoting **Aptamil 2** in a recipe for 'healthy' vegetable soup, this ad encourages early initiation of complementary feeding.

Age matters

Danone's own marketing policy states that complementary foods and beverages for infants below six months must not be promoted in higher risk countries such as Turkey. Nonetheless, **Milupa** products are labelled with arbitrary age indications and are promoted as suitable for infants aged four, five and six months. This is not only in violation with Danone's marketing policy but is also contrary to the recommendations in the Guidance on inappropriate promotion of food for infants and young children.



Jarred complementary foods containing similar ingredients are labelled with different age indications to encourage early complementary feeding. Those labelled for children below 6 months should not be advertised.

Showcasing Nutricia products

Danone is the main sponsor of a "First 1000 Days Summit" held in Istanbul on April 2016 and used the opportunity to showcase Nutricia products. Conference topics included the importance of infant and toddler nutrition and contained reference to **Aptamil's** formula. There were huge exhibits of **Aptamil** outside the conference hall. This summit will take place again in 2017.



(Left) The **Nutricia** exhibition portrayed **Aptamil** as #1 on its shield logo.

(Centre) A slide show of **Aptamil 2** described the product as instrumental in providing "one step forward on the development path".

(Right) In his presentation, the **Nutricia** speaker explained that when choosing a formula, its closeness to breastmilk matters. No brand name was mentioned but the baby model is telling.

Camouflaged Funding

Nutricia funds a well-known university foundation to run a "Miracle Motherhood Academy" programme to 'educate' nurses on infant care and nutrition. These nurses will, in turn, teach parents about the importance of appropriate nutrition and care during the first 1000 days. Trained nurses offer weekly fee-based workshops on different topics to mothers at the university or community meeting places. Mothers can also ask for face to face sessions at home. A mobile app offering information on infant care and nutrition has been developed for use by mothers to ask questions to the trained nurses and to exchange experience with other mothers. This type of funding will, no doubt, create a lot of goodwill with the university and loyalty among nurses and mothers involved thus giving rise to conflicts of interest.

Editorial note: WHA resolution 58.32 [2005] warns against conflicts of interest in programmes in infant and young child health.



Representatives of Bogazici University, Istanbul and **Nutricia** Turkey appear together to launch Miracle Motherhood Academy.

LOOK WHAT THEY'RE DOING IN LATIN AMERICA

(ARGENTINA, BRAZIL, COLOMBIA, ECUADOR, GUATEMALA, MEXICO)



Danone describes all four of its core businesses as “booming” in Latin America. The biggest markets in terms of turnover are Mexico, Argentina and Brazil. Since Code implementation is uneven in Latin American countries, Danone adjusts its promotional practices in accordance with its interpretation of what the different laws allow. Different brands are marketed in different countries. This is possibly due to history as the companies acquired by Danone and its predecessors over the years are already household names with the local community. Danone appears to allow these brands to continue flourishing on their track records but has added rigour to their promotional campaigns using the borrowed 'first 1000 days' platform. It also recycles product formulation and promotional devices across brands from its international products.

- In Argentina where only certain aspects of the Code are incorporated into the Argentine Food Law via administrative decisions with no enforcement powers, the Code is treated with impunity by NutriciaBagó, Danone's business unit in the country.



This home page describes how the Nutriacademia Profutura Programme accompanies mothers in their journey in motherhood, “from conception to early childhood of your child”. A full range of Nutricia Profutura products then unfurls as one dives deeper into the website.

- Visitors to the nutriacademia website (<https://www.nutriacademia.com.ar/home#section-presentation>) are greeted with text which reads, “the future health of your baby is already in your hands”. That future rests obviously on **Nutricia Profutura** products described as “the most advanced nutrition based on age helps parents lay the foundation for future health.” Going further into the website, visitors will discover that the company provides a full range of products “to respond to all your child's needs”. Parents are reminded that every nutritional choice they make during the early stages of life will define the future health of their child. They are offered access to professionals – midwives and lactation consultants who are ‘Profutura’ experts.

- **Nutricia Bagó**, also performs promotional activities in public places. To attract mothers, the company distributes full size samples of **Nutrilon Profutura** cereal products for children above 6 months. The packaging of these products resembles those of **Nutrilon Profutura** formula products.



Nothing more effective than freebies to bring in the crowd.

Editorial note: Under the 2016 WHO Guidance on Inappropriate Promotion of Foods for Infants and Young Children, the packaging design, labelling and materials used for the promotion of complementary foods must be different from those used for breastmilk substitutes so that there is no cross promotion.

News Flash: In April 2017, information was received from Argentina that Nutricia Bago has entered into an agreement with Ministry of Habitat and Human Development of the Province of Buenos Aires to train public servants in 'healthy and correct' nutrition' along the lines of the first 1000 days of life. (see also report under Turkey- Camouflage Funding, p.57)

■ In Brazil,

- Promotion for **Milnutri Pronutra** is rife. The **Milnutri** brand covers not just formula products but complementary foods and the brand's motto in Portuguese is "*Porque crescer & aprender: é nutrir e brincar*" (*Because growing and learning is to nourish and play*). **Milnutri** formulas are described as adapted for infants, with the highest level of Omega 3, DHA and iron and a unique mix of nutrients that contributes to the physical and mental development of children. All this to help them 'grow and learn' and there is 'no sugar (sucrose) added' to avoid obesity in future! Promotion on-line is extended to the retail level where special offers for the entire range of **Milnutri** products are found.



(Left) See the futuristic stepping stones? The protective shield on the label? The polar bear mascot bottom right? Well, they can also all be found on other Danone brands.

(Right) These special offers are not just in violation of the Code but are contrary to Brazilian marketing regulations.

Milnutri is also promoted in health care facilities. Height charts bearing the **Milnutri** brand name and logo and other promotional devices are easily available but Danone claims the distribution of these materials is allowed under Brazilian Law. The company states that materials like height charts are "*technical and scientific materials*" for health professionals. It steadfastly ignores the fact that the **Milnutri** brand name and logo appear on the chart alongside the slogan "*grow and learn*".



Images of the giraffe and owl wearing graduation caps are not very technical or scientific, are they?



- In Ecuador, the law on promotion of breastfeeding specifically calls for the removal of any promotion for infant formula in health services. Despite this prohibition, **Nutricia** is in contact with health professionals and health establishments for various purposes such as distribution of samples and supplies, donation of promotional materials and equipment. Invariably, promotional materials carry either the company or brand name and the logo.

Nutricia poster in a centre for ambulatory care; no product shown but the poster associates happy, healthy babies with the company's products.

- In Guatemala, brands marketed are **Nutrilon** and **Bebelac**. Gifts of calendars, recipe books and prescription pads from these brands are found in hospitals and private clinics. Unsolicited donations of **Nutrilon** and **Bebelac** samples are delivered to clinics and **Nutrilon** stickers with its signature bear are supplied as rewards for children who behave well when they are taken for check-ups and treatments there.

Like everywhere else, product ‘information’ and labels are replete with idealising statements and unsubstantiated claims. For example:

- Product information found in the **Nutricia** Club website - <http://www.nutricioclub.com/> - describes **Nutrilon Premature Nenatal** infant formula for premature and low birth weight infants as containing special ingredients (including AA and DHA) and its exclusive scGOS / lcFOS prebiotic blend that promote optimal growth and development of the brain and eyesight.

- The label of **Nutrilon Premium 2** highlights its prebiotics, vitamins, AA / ARA and iron content and includes a statement that the product is developed based on ‘research inspired by breastmilk’.



(Left) ‘adapted’ for the special needs of LBW and premature infants.

(Right) On the top left of the label, a statement that the product is inspired by breastmilk.

Everything you need from breastmilk, you can get from this box of formula.

- The label of **Bebelac 1 Complete Care** explains: in the first months of life, your baby gets all the nutrients he needs to grow and develop from milk. It is good to know that **Bebelac Complete Care** is an infant formula that contains all the nourishment that your baby needs from 0 to 6 months. **Bebelac Complete Care** claims to contain all the necessary nutrients for baby to grow and is easy to digest for baby’s little stomach.

■ In Mexico,

- The Danone **Nutricia** websites are careful not to promote infant formula or follow-up formula products. The company’s promotional campaigns are focused, on the surface, on **Aptamil 3** growing-up milks which targets children 1 – 3 years. WHO classifies this product as a breastmilk substitute, since May 2016. Hence



(accessed 9/3/2017)

The **Pronutra** shield superimposed on the images of these young babies is indicative of the fact that Danone is actually selling products targeting them.

its promotion should not be allowed. Moreover, the images accompanying the **Aptamil 3** ads are, very often, those of babies below 1 year of age.

On the Danone **Nutricia** Mexico Facebook, there are in fact many photos showing pictures of young babies in a variety of poses (some breastfeeding) but always with the outline of the **Pronutra** shield surrounding the baby pictures to represent **Aptamil** products.

- The Pronutra H + formulation found on labels of the entire range of formula products and encapsulated in the shield logo represents protection for the immune system. Pronutra H + is promoted as a unique blend that “helps strengthen your child’s immune system and provides essential nutrients for optimal development in the short and long term.”



The logos and packaging designs of **Aptamil 1, 2 & 3** are so similar, there is cross promotion of **Aptamil 1 & 2** every time an **Aptamil 3** promotion is aired or displayed.

STRETCHING THE RULES

- This section highlights marketing practices which undermine or discourage breastfeeding especially when relating to products which may not come under the scope of the Code.
- Sponsorship activities which may give rise to conflicts of interest are also reported here. These activities are intended to promote breastmilk substitutes and violate Resolutions on conflicts of interest.

■ In Indonesia

- The Danone-owned company, **Sari Husada**, joined forces with national health authorities to reduce malnutrition rates among children in Indonesia. This programme, founded on the *first 1000 days of life* theme, is an educational programme to churn out 430 certified 'ambassadors' who will in turn provide cascade training to 3,500 health educators and 10,000 health cadres. The ultimate aim - one million families throughout Indonesia well educated about child nutrition.



Training ambassadors for the First 1000 Days programme.

While supporting the idea behind the programme, the *Gerakan Kesehatan Ibu dan Anak* (GKIA)

- A movement made up of 30 civil society organisations criticised the involvement of **Sari Husada**. GKIA pointed out that the display of the logo of **Sari Husada** (makers of SGM formula products and a known Code violator) in a variety of programme materials gives rise to conflicts of interest and questioned the company's true intentions.



The Sari Husada name is on posters, banner and educational materials.

For example, GKIA pointed out that one of the training modules states that homemade porridge needs to have added formula to avoid iron deficiency while commercially made porridge can be mixed with breastmilk as they are already fortified with iron !

Apa MP-ASI Pertama yang Diberikan?

Bila bubur tepung dibuat sendiri + = Zat besi ✓

Bila bubur tepung dibuat sendiri harus ditambah dengan susu formula untuk menambah kekurangan zat besi

Bila bubur tepung buatan pabrik + **ASI** = Zat besi ✓

Bila bubur tepung dari makanan bayi buatan pabrik sudah mengandung zat besi sehingga bisa ditambah dengan ASI

Commercialising infant and young child feeding - there is a product available whichever option parents take - and that message is going out to millions of Indonesian parents if Sari Husada has its way.

GKIA is concerned that this is a veiled attempt to push products marketed by **Sari Husada**. The company stands to gain a lot of goodwill with its government partners and health workers. The 1 million mothers who see the **Sari Husada** logo time and again, are an additional easy market target.



Protest by GKIA over programme affiliation with Sari Husada.

- To celebrate World Breastfeeding Week in 2014, **Sari Husada** placed a **Lactamil** (milk for pregnant and breastfeeding women) ad in a magazine to encourage fathers to support breastfeeding. The ad carries a statement, 'I'm a breastfeeding hero. What about you?'

It then goes on to explain that "*the success of Mama in providing breastmilk depends on Papa. Come Papa, be a breastfeeding hero by giving support to mama when she is breastfeeding because breastmilk is best.*"



Dad, be a hero but must he do that with **Lactamil** support?

Fast forward 3 years later, and **Lactamil** is still doing its rounds in reaching out to mums through parenting classes and postings on facebook emphasizing the role of fathers in child rearing.



***Editorial note:** Company promotion of milk for mothers (MFMs) often conveys the message that pregnant and lactating women need MFMs to have a safe pregnancy and to be able to breastfeed successfully. These women and their families are led into thinking they need a special diet which would be fulfilled by MFMs. These messages are far from the truth and they compete unfairly with breastfeeding campaigns that work hard to show women that breastfeeding comes naturally and that given the right support, every woman can breastfeed.

■ In India, Danone **Nutrícia** portrays itself as supporter of breastfeeding by starting Manthan, a breastfeeding promotion initiative. The Manthan posters and promotional materials refer to WHO, the gold standard and World Breastfeeding Week, gleefully riding on the reputation of institutions, logos and events associated with breastfeeding.



Anything for a good name even if it means pretending to promote breastfeeding. Danone's duty to its shareholders is to make profits and that cannot come from genuinely promoting breastfeeding. But a good image helps sales.

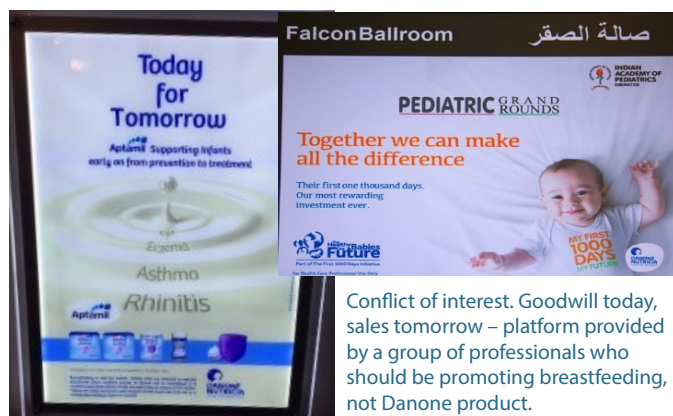
Editorial note: In July 2017, Danone launched an "Educational Initiative" called "The Stepping Stones" targeting 200 000, doctors to share information on maternal health. Topics included the "*Impact of Mother's Diet on Breastmilk Composition*".

■ Danone's Asian subsidiary, Dumex, conducted an "Early Life Nutrition Seminar" in Myanmar in March 2014. The seminar included the topic "*Role of Early Life Nutrition for Long Term Health*" referring specifically to **Dumex** products. Although there was also a topic covering the importance of breastfeeding, conflict of interest is apparent when **Dumex** sells products which substitute breastmilk.



Announcement on "Early Life Nutrition Seminar" sponsored by **Dumex**.

- In the United Arab Emirates, Danone was the Diamond sponsor of a paediatric conference organised by the Sharjah Chapter of the Indian Academy of Paediatrics in 2015. In return, Danone got plenty of space and opportunity to display its *first 1000 days* of life materials and to showcase its products.



Conflict of interest. Goodwill today, sales tomorrow – platform provided by a group of professionals who should be promoting breastfeeding, not Danone product.

- In Thailand, Singapore and other South East Asian countries, Danone **Dumex** makes much about how pregnant women and lactating mums have increased demands for various essential nutrients such as folic acid, calcium and iron (which they can get from a normal diet or normal supplements) to support the growth and development of their babies. The solution offered by **Dumex** is a variety of Mama products, specially tailored to match the different formulations that are marketed for formula products in the country.

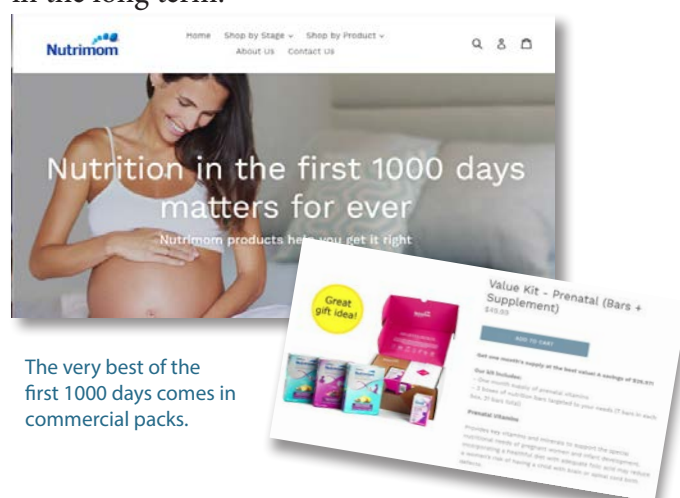


Milks for pregnant women and lactating mums – opportunities for cross promotion of formula products.



- In USA

- Through **Nutrimom**, Danone **Nutricia** has entered the early life nutrition market with an innovative programme designed to help young mothers make baby's first 1,000 days "*the very best*" they can be. **Nutrimom** offers support through nutritional coaches trained and certified by Cornell University, educational materials on maternal and infant nutrition, and of course an optional range of products tailored to the special needs of both mother and child. These include **Nutrimom** cereal bars for pregnant women **Profutura Mama** milk drink for nursing mothers. The services offered will ensure a loyal following for their formula products in the long term.



The very best of the first 1000 days comes in commercial packs.

- Another US subsidiary, **Happy Family** has expanded their existing **Happy Mama** product offerings to include a line of Lactation Oat bars 'to support breastfeeding and provide a boost of extra nutrition'. There is also **Happy Mama** Breastfeeding Support Probiotic Supplement marketed as containing 'a unique, patented strain that supports breast health to help maintain breastfeeding ability.' In April 2017, **Happy Family** announced their launch of **Happy Baby Organic** infant formula which they developed after tapping into the wealth of scientific knowledge and resources provided by their parent company, Danone.



For moms to feed their babies with confidence, the company also offers free access to Cornell-Certified nutritionists and lactation consultants.

FRIESLAND

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

FrieslandCampina
Stationsplein 4
3818 LE Amersfoort
THE NETHERLANDS

www.FrieslandCampina.com

BRANDS

COVERED BY THIS REPORT

Dutch Baby
Friso
Frisian Flag
Peak

LOGOS



GENERAL INFORMATION

FrieslandCampina has become one of the world's largest dairy companies. It is owned by dairy farmers in the Netherlands, Germany and Belgium who are members of a cooperative known as Zuivelcoöperatie FrieslandCampina U.A. The company produces and sells dairy-based consumer products in Europe, Asia and Africa via its own subsidiaries. FrieslandCampina's activities are divided into five market-oriented business groups:

- Consumer Products Europe, Middle East & Africa
- Consumer Products Asia
- Consumer Products China
- Cheese, Butter & Milk powder (includes infant nutrition)
- Ingredients

One of FrieslandCampina's most important goals is to add as much value as possible to the milk produced by its member dairy farmers so they are able to make maximum contribution towards their incomes. In 2016, FrieslandCampina's profits increased by 5.5 percent to €362 million (2015: €343 million). The operating profit declined by 2.3 percent to €563 million (2015: €576 million) but the margin stayed up to par due to the sale of more added-value products, especially in Asia, and lower procurement costs.

Although FrieslandCampina provides no breakdown, it is significant to note that it invested as much as €540 million in advertising and promotions (2015: €536 million) to improve its market positions.

As a result, sale of FrieslandCampina's infant nutrition products increased in all markets, particularly in China. Its formula products - **Friso** (worldwide), **Frisian Flag** (Indonesia); **Dutch Lady** (Viet Nam, Malaysia, Myanmar, Singapore, China) are among its top 10 consumers brands according to revenue in Euros.

Apart from providing a good living for its farmers, FrieslandCampina's other avowed purpose is to be "*nourishing by nature*" and to provide "*better nutrition for the world's consumers*". These promotional goals are part of FrieslandCampina's *route2020* strategy for sustainable growth and value creation which purportedly provides direction for its daily activities and defines its values. Towards this end, FrieslandCampina claims to be assuming its corporate social responsibility but says nothing about following the Code. There is, however, a note in its 2016 Annual Report that perceives Code implementation in the form of marketing regulations have become stricter.

FrieslandCampina says it has evaluated its responsible marketing communications policy and will further refine it in 2017. This policy is not publicly accessible at the time of writing so it is not known whether there is any reference to the International Code. In the meantime, the company is carrying on with business as usual and promoting its baby food products even more than ever before. (see article in the next column)

News Flash: Loss of 46 million.....

In 2015, FrieslandCampina, paid RMB 692 million (USD103m) for a 50% stake in China's Huishan Dairy to gain greater access to China's vast baby formula market. In this joint venture, **Friesland Huishan Dairy** converts raw milk supplied by Huishan Dairy into Dutch Lady formula for the Chinese market at their Xuishui Plant. Part of the deal is for FrieslandCampina to purchase at least 27.7m worth of Huishan Dairy shares on the Hong Kong stock exchange. These shares are subject to a six year lock-up period. Both companies will continue to operate their own infant formula businesses in China - **Friso** under FrieslandCampina, and Gold Queen, Gold Label and Red Label ranges for Huishan.

The joint venture appears to be heading for troubled waters as news broke in March 2017 that Huishan Dairy is in financial distress. Its shares plummeted 86% in one day on the Hong Kong Stock Exchange after the company confirmed in late March that it had failed to make interest payments to its creditors and had lost contact with the head of its treasury operations.

FrieslandCampina, is reported to be facing a paper loss of up to 46m from its holdings in Huishan Dairy. In a statement issued as the crisis surfaced, FrieslandCampina said "*it is closely monitoring the situation and will, if necessary, take appropriate action to ensure successful continuation of the joint ventures activities in the Chinese market*".

Dutch dairy farmer promotes Friso in China

A stark example of FrieslandCampina's relentless promotion for its **Friso** product can be found in the company's 2016 Annual Report which proudly displayed a picture of a Dutch dairy farmer promoting **Friso Prestige** infant formula in China.



What is this farmer doing promoting **Friso** for Friesland Campina? The company has obviously not told him that it is violation of not only the Chinese Law but the International Code.

As part of a large annual online shopping event, the farmer spoke about the daily life of a FrieslandCampina dairy farmer. He shared his knowledge, on live online broadcast, about the Dutch dairy farming sector and the way in which **Friso** products are produced. This is intended to distinguish the **Friso** brand which rests its marketing strategy on the "*grass to glass*" concept with the milk originating from member dairy farmers. The event was, in FrieslandCampina's own words "*a huge commercial success with a great deal of positive attention in the social media for the special appearance of a Dutch dairy farmer*".

On-line advertising campaigns have gained market share for both **Friso Prestige** and **Friso Gold**. The latter is, according to the company, the third largest infant nutrition brand in China and the largest in terms of online sales.



Friso Prestige is not only available online but also in special mother-baby shops and a number of supermarkets, where promotion continues.

PROMOTION TO THE PUBLIC AND IN SHOPS

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.
- **Article 5.3** of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.

■ In China

- FrieslandCampina teams up with media company Carat and internet provider Tencent to produce a TV show that targets parents. The show, focusing on care of infants and titled “*Let Go, Baby*”, is based on the **Friso**’s brand philosophy that ‘*experience is the best teacher*’. The show encourages parents to let children grow up in a natural way, tapping into a new generation of parents who believe that the Western developmental model of experiential learning to be better. The **Friso** brand is displayed during the launch of the TV show.



Espousing **Friso** brand philosophy is one way of entrenching the **Friso** brand into the mindset of parents.

- In an official tie-up with internet retailer **Taobao**, **Friso Gold 2** is placed on sale at a reduced price with accompanying promotion regarding its **Lock Nutri** technology which supposedly preserve nutrients closer to their native protein structure for easy absorption by the body. Health claims such as DHA helping visual development can be found on the label of the product.



The Dutch origin of **Friso Gold** is promoted to a Chinese audience which favours foreign products. For bulk purchases, there is a ‘*baby growth sleeping bag*’.

■ In Indonesia, **Frisian Flag** runs the *Ibu & Balita* (Mother and Child) Programme which mothers can join via the internet, facebook and other social media platforms. Under this programme, parents are able to enjoy various benefits geared towards encouraging them to buy **Frisian Flag** products. These include the opportunity to join discussion forums for tips on pregnancy, nutrition and child care. While on the surface, the products promoted are **Frisian Flag** milks for mums and growing-up milks, opportunities abound for cross promotion of look-alike **Frisian Flag** infant formula and follow-up formula products (see product pack shots below). Visitors will reasonably conclude from the Facebook ad below entitled “*Tips every new father needs know*” that there are products for babies within the age range of the one shown in the ad.



Look alike products in the same range are also indirectly promoted in this ad.

■ In Malaysia,

- **Frisian Flag** products are marketed as **Dutch Baby and Dutch Lady**. Here, FrieslandCampina has a nutritional programme that offers “*tailored nutrition for smart milestones*” through a 4-Step Nutri Plan with 5x DHA. The 4-Step Nutri Plan encompasses the **Curious, Explore, Create and Learn** formulated milk powder for children as they grow and develop through “*different stages of smartness*”. This “*tailored nutrition*” is expandable to cover infant formula and follow-up formula products through similar packaging and marketing strategy. Mothers are invited to join the **Dutch Lady’s Mums Club** to enjoy a host of benefits and privileges.



Mothers can visit the **Dutch Lady** website at <https://www.smartmoments.com.my/en> to discover the impressive rewards which includes book vouchers, movie tickets, pixajoy photo books, even an insurance education plan for the child.



The **Dutch Baby/ Dutch Lady** product are bound together by similar packaging even though **Dutch Baby** infant formula and follow-up formula are outside the 4 step plan.

- In an earlier campaign, Friesland **Dutch Lady** uses famous child actress, Mia Sara, as the brand ambassador for its **Dutch Lady 1-2-3 growing-up milk** “*Smart Moments*” contest. The open contest which everyone could participate in without proof of purchase require participants to tell the world about the smart things they learn from their mums which will be published on the website as ‘Mak Kata’ (Mum Says) bubble talk quotes. Participants are allowed to submit as many entries as they wish either in English, Malay, Chinese or Tamil language, through SMS or through the official website. The first 1000 entries will receive a voucher worth MYR50. Although purchase is not required,

consumers are constantly reminded of **Dutch Lady** products when they visit www.smartmoments.com.my where **Dutch Lady 1-2-3** (now known as **Dutch Lady Curious**) is heavily promoted.



To have a better chance of winning, participants will undoubtedly submit entries which touch on growing-up with the **Dutch Lady** brand.

- **Friso** regularly secures an entire page to advertise **Friso Gold** growing-up milks in Malaysian newspapers. The company praises its latest **LocNutri** technology that supposedly “*preserves nutrients*” during the production of milks for young children. A happy mother and her young son enjoying a bottle of **Friso Gold** are placed in the center of an idyllic Dutch scenery with a wind mill and grazing cows in the background. The little boy’s stomach shines with delight over “*easy digestion*” and a “*stronger inside*”. Mothers are further enticed to order free samples of **Friso Gold** at the company’s website. Growing-up milks are breastmilk substitutes.



A full page ad to misguide mothers

Misleading claims about easy digestion.

- A huge billboard featuring famous actress Scha Al-yahya and her daughter Lara promotes the **Dutch Lady** line as “*The No 1 Choice of Scha for the stage of smartness of Lara*”.



Dutch Lady Curious for children up to 3 years is included in this huge billboard ad.

- To boost product sales to working mothers, **Friso Gold** introduces “*Our Today Moments*” contest whereby Malaysian mothers are invited to write accounts of special lifetime experiences they want to have with their child/children but are unable to so and the reasons for that. The contest offers prizes totalling MYR 1million to 100 lucky winners. To participate, a proof of purchase of any participating **Friso Gold** product’s (**Frisomum Gold**, **Friso Gold 3** or **Friso Gold 4**) must be submitted with the entry form. Such contests indirectly promote **Friso Gold** products to mothers behind the front of encouraging mothers to take a break from their daily routine.



Do not delay the ‘today’ moments with your precious ones...give them **Friso** today!

■ In Russia,

- Discounts of up to 30% are given for online purchase of **Friso** products.



For **Friso 1** - cheaper together but for a limited period only; while stock last.

- **FrisoClub** promotes the **Friso** brand widely through social media platforms like Facebook and Instagram. The common theme on FrisoClub posting is “*we come to know the world together*” and the **Friso** brand is always prominently displayed.



These images showing parenting in beautiful surroundings and making discoveries together with their babies do a good job of selling **Friso** products.

- On VK, the largest European online social media and social networking service popular among Russian-speaking users, **Frisoclub** posts idealising text and idealising images to promote the **Friso** brand. These posts pertain to topics such as the special nutrients in **Friso**, the technology behind their production and the dangers of cow’s milk.



Different images, all showing young babies, attract attention for a promotional blitz on the virtues of Frisolac

- **Friso** tells mums in these postings that for their babies to grow healthy and happy there is **Frisolac 2** for babies 6 to 12 months which contains useful components such as Omega 3 and 6, nucleotides and vitamin-mineral complex. For the New Year in 2017, mums were able to participate in a picture contest to win gifts. Even visiting **Friso's** new updated website will entitle them to gifts.



Claims, competitions and colorful gifts to pursue mums with.

- Baby on Board stickers and socks with the **Friso** brand name are offered as gifts for purchase of an entire range of **Friso** products.



(accessed 28/3/2017)

Stealing someone else's baby?

The baby model used for the **Friso** ad below is the same one used by Danone for its first1000steps campaign in Turkey. So if the ad is used to impart the message that **Friso** products will make baby happy and healthy it is neither original nor truthful. FrieslandCampina spent €540 million in advertising and promotion in 2016. One would think it could find its own baby picture with exclusive copyright.



First1000steps campaign by competitor Danone in Turkey.

Copycat: The same model is used to advertise discounts for **Friso 2** and **3** in Osobyi Malysy, an online shop.

In Singapore

- FrieslandCampina uses its new *LockNutri* technology to promote its **Friso** range of formula milks. *LockNutri* also appears on **Friso** formula labels as a promotional device. Described as an advanced production technology that protects native protein structure against overheating, Friesland claims *LockNutri* allows for easier absorption of nutrients for tissue building and growth.



Introducing the all new LockNutri technology that claims to preserve protein closer to their native structures.

- The **LockNutri** technology is portrayed as being able to prevent children from suffering “*from protein indigestion and general stomach discomfort*”. Citing a Chinese consumer survey, parents are informed that children on **Friso** have fewer hard stools and immunity related problems and that healthcare professionals recommend **Friso**.



A Friso LockNutri station in a supermarket reveals how a healthy digestive system can be attained.

- To attract customers, Friesland’s **Friso** gives free rides to children in retail outlets as part of their “**Friso Powered Ride on Car**” campaign. Customers who purchases SGD380 worth of **Friso** products will receive a free toy car as a gift. Participating products include Frisomum, Friso Cereal and **Friso Gold 2, 3 & 4**.



Parents need to spend \$380 (or 13 tins!) of **Friso** products before they can take home a free toy car for their kids. (cheaper to just buy the toy!) In a meantime, kids get to enjoy a **Friso** Powered Ride in a carriage with fancy gadget and accompanying music.



Premium floor space set aside for **Friso** race track at a supermarket.

- Customers of a chain retail shop may redeem a **Friso** travel set or a SGD10 **Friso** voucher on purchasing **Friso Gold 2**. At another retail outlet, customers get a rebate of SGD 50 if they buy 3 cans of **Friso Gold** all at once.



Various sales devices to entice parents into buying **Friso Gold**.

■ In Taiwan

- **Frisian Flag** offers mothercraft workshops on themes such as “*Taking Care of Your Newborn*” and “*Skills on Development of Healthy Babies*” on its official Facebook page. Parents are asked to register early as places are limited and “*consideration needs to be given for the preparation of gifts*”.



It’s not all about learning; gifts to parents are just as important.

- Ads placed on the Facebook page of a maternal and child supplies store show customers posing with **Frisian Flag 1, 2 and 3** and promoting them with praises about the products and the good bargains that could be had at the store.



Visit mother and child supply store to buy a full range of Frisian Flag products - save money with the day's special offer or receive prizes .

- The **Frisian Flag** website says ingredients in its products can enhance development and health of the “digestive system” and improves “learning abilities”, “vision”, “skin” and “mucosa”; all claims which are no longer allowed under World Health Assembly Resolutions 58.32[2005] and 63.23[2010].



Health claims on website for the health-conscious parents.

- A mother won a trip to Holland for her family after sharing her challenges in breastfeeding, which included worries and depression associated with her inability to breastfeed because of “insufficient milk”. Woven into her personal account, are claims about the benefits of **Frisian Flag** and how her baby is rarely sick after being put on **Frisian Flag**, from number 1 to 3 as the products stabilise the child’s digestive system, providing protection and help develop excellent health!



Trip to Holland as reward for singing praises about Frisian Flag and emphasising negative experience about breastfeeding.

Editorial note: In May 2016, WHA resolution 69.9 [2016] welcomed the Guidance on ending the inappropriate promotion of foods for infants and young children which confirms that breastmilk substitutes should be understood to include any milks that are specifically marketed for the feeding of infants and young children up to the age of 3 years including follow-up formula and growing-up milk. This report incorporates promotion covering FrieslandCampina products targeting infants and young children up to 3 years even though the laws and national codes of many of the countries reported here either do not cover follow-up formula or growing-up milks.

WHA 34.22 [1981] which adopted the International Code states that “...adoption of and adherence to the International Code of Marketing of Breastmilk Substitutes is a minimum requirement” and Article 11.3 requires that independently of any other measures taken for Code implementation at national level, manufacturers and distributors should take steps to ensure that their conduct at every level conforms to them.

Sustainability FrieslandCampina Style I

Part of Friesland sustainability programme must be to recycle, years apart, its marketing strategies and product formulation on different brands and across countries thousands of miles apart.

In Taiwan, the facebook page of **Frisian Flag** uses the P2 Dual System formulation to promote the **Frisian Flag 3&4 range** - <https://www.facebook.com/FrisianFlag.com.tw/>



Taiwan 2017

Banner boasts the products “contain protective power, it all starts from the digestive system”.



Frisian Flag 1 & 2 are shown here to demonstrate the similarity in labelling. Hence, promotion of **Frisian 3 & 4** (above) will also promote 1 & 2.

A few years before, in Malaysia and Singapore, the so called specially formulated **Frisoshield** found in **Friso Gold** is said to contain the P2 Dual System to improve immunity so kids are “stronger from the inside”.



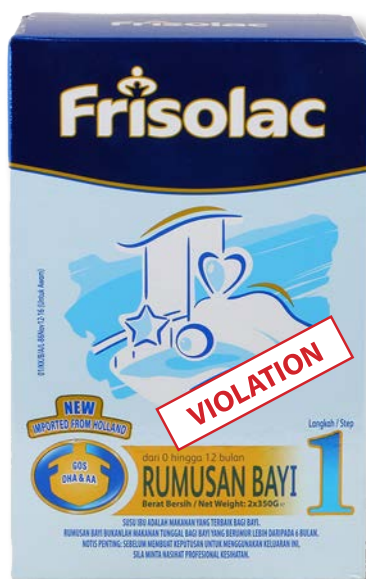
Malaysia and Singapore 2014

Go to p.74 for Part II

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

- **Article 6.2** bans the promotion of products within the health care system.
- **Article 6.3** prohibits the display of products, placards and posters or the distribution of company materials unless requested or approved by the government.
- **Article 7.3** provides that there should be no financial or material inducement to health workers to promote products.
- WHA resolutions **58.32 [2005]** and **WHA 65.60 [2012]** call on countries to ensure that financial support and other incentives for programmes and health workers do not create conflicts of interest.

■ In Malaysia, a mother complained that she was given **Frisolac** infant formula at an Islamic medical centre where she gave birth even though her baby was exclusively breastfed after delivery. The formula came at a time when she was facing difficulties with breastfeeding and the ready availability of the product made it very enticing to feed her child with the **Frisolac** given at the health facility. The sample was unsolicited and free of charge.



Unsolicited and unbilled, given at a time when mum is facing challenges breastfeeding.

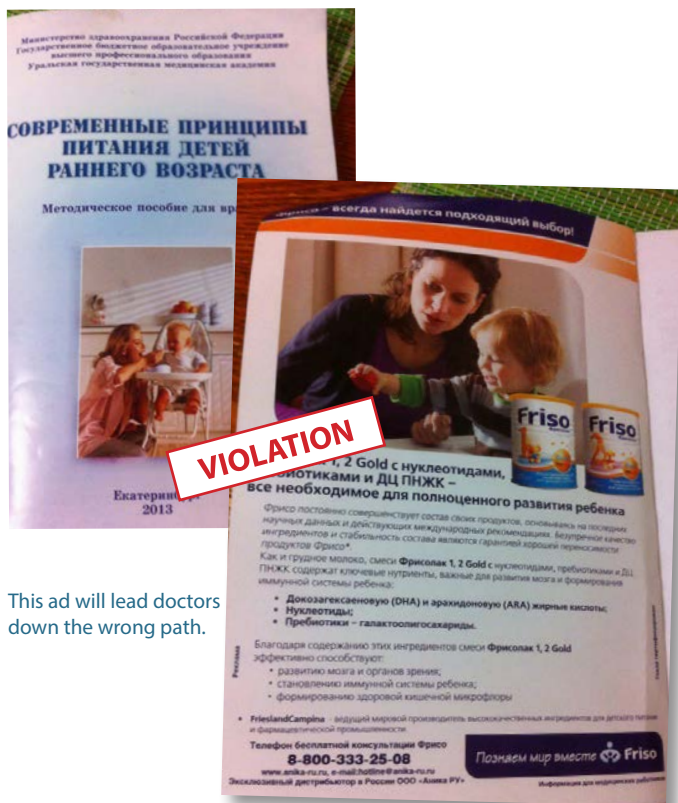
■ In Nigeria, at the 47th Congress of the Paediatric Association of Nigeria (PAN), in Port Harcourt, a number of Friesland's **Peak** banners were on display in the exhibition area. The banners advertised **Peak Baby 1** infant formula, **Peak 123 growing-up milk** and **Peak 456** milk for older children. One banner stated that "90% of brain growth occurs during the first five years of life" and during this critical period "appropriate and adequate nutrition is very important to ensure proper brain development". **Peak Baby 1**, **Peak 123** and **Peak 456** with a "unique nutrient mix to support overall brain development" are offered as the obvious choice. Another banner for the same range of products focused on the DHA content in the products and claimed that "DHA and other key nutrients act together to support overall brain development".

Diagrams make the banners look scientific. The first one shows the rapid development of the brain from before birth to 2 years old. The second shows the nutrients that support brain development, all of which are in **Peak** products.



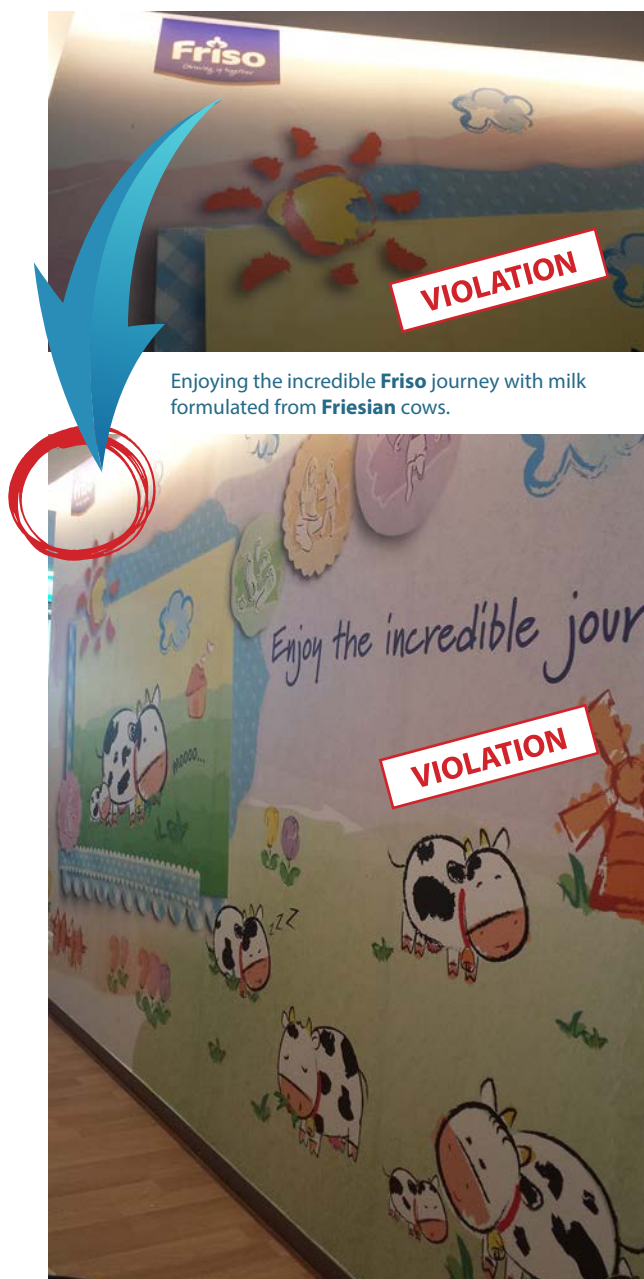
Products for Peak performance.

- In Russia, a study guide for doctors, entitled “*Modern principles for feeding children*” carries a **Friso** ad which describes the product as an ‘appropriate choice’, containing all the nucleotides, prebiotic fibre and PUFAs required for baby's development. These ingredients are said to effectively help brain and visual development, strengthen the immune system and build healthy gastrointestinal microflora.



This ad will lead doctors down the wrong path.

- In addition, the same hospital has a room with a full length wallpaper bearing the logos of the entire range of **Friso** products and the slogan “*Enjoy the incredible journey*”. This slogan refers to the various stages of a child's growth. For each part of the journey, there is a corresponding **Friso** product and **Friso** offers tips at each stage for parents to make “*precious new discoveries*” with their children. Underlining the noble aspirations are promotional tactics which sell.



Enjoying the incredible **Friso** journey with milk formulated from **Friesian** cows.

Walls do speak.

- In Singapore

- A medical hospital specialising in baby delivery has special nooks and corners for children to play and FrieslandCampina provides toys and gadgets to amuse them. Not only do the containers bear the Friso name, the lids actually have the same colour and logo of **Friso Gold 2**.



Multi-dimensional - Storage box advertising **Friso 1,2,3** is topped by a lid bearing the logo of **Friso Gold 2**.

Bountiful gifts for New Year babies

To usher in the Year of the Goat (Lunar New Year 2015), FrieslandCampina offers 'bountiful gifts' to babies born at a private hospital. The first 3 babies delivered on New Year's Day will receive a **Frisomum** hamper worth SGD 186, consisting of a hard case cabin size luggage, 2 tins of **Frisomum Gold**, a cooler bag, a set of multipurpose containers and a SGD 5 **Frisomum** voucher.

Usher in the Year of the Goat with Joy and Abundance

Bountiful Gifts for TMC's Lunar New Year Babies

First 3 Babies will each receive:

- \$900 Worth of Mummy SPA Voucher
 - 10mins of Professional Hot Stone Massage Therapy
 - 10mins of Facial Treatment
 - 10mins of Hair Treatment
- **Frisomum Hamper** (worth \$186)
 - Consists of hard case cabin size luggage, 2 tins of Frisomum Gold, a cooler bag, a set of multipurpose containers and \$5 Frisomum voucher.
- 1-month Supply* of Huggies® Ultra Small Diapers
 - * 1 pack of Huggies® Ultra Small Diapers (Size 1, based on average weight of 6-8 pounds of newborn baby)

Subsequent 88 Babies will each receive:

- **Frisomum Gold 900g Tin with Cooler Bag and \$5 Frisomum Voucher** (worth \$48)
- **Huggies® First Luggage Bag** (worth \$45.90)
 - Consists of Huggies® Ultra Small Diapers (Size 1, based on average weight of 6-8 pounds of newborn baby)

* 1 pack of Huggies® Ultra Small Diapers (Size 1, based on average weight of 6-8 pounds of newborn baby)

Supported by **Frisomum** **Huggies** *Celebrating Life*

VIOLATION

The next 88 babies delivered will receive gifts worth SGD 49.90 consisting of a tin of Frisomum Gold with a cooler bag and a SGD 5 Frisomum voucher.



Free publicity - Baby and family get to pose with FrieslandCampina company rep and attending health worker on New Year's day.

Editorial note: Although Frisomum is not a formula product, it forms part of the "bountiful gifts" to mothers and is effective cross-promotion to encourage the use of formula products in the Friso range. There is implicit endorsement of the Friso range by the private hospital which works well as a promotional strategy to mums who give birth at the hospital. Code article 5.4 forbids distribution of any gifts of which may promote the use of breastmilk substitutes or bottle feeding.

Continuation from Part I p.71

Sustainability FrieslandCampina Style II More recycling...

In Russia, in 2017, a poster in a polyclinic in Moscow promotes **Friso 3 & 4** with the slogan, "Enjoy the unforgettable journey into motherhood".



VIOLATION

Russia 2017

Four years earlier, the same ad was used in Malaysia to promote the complete range of **Friso Gold** products with a slight modification to the slogan - "Enjoy the incredible journey".



VIOLATION

Malaysia 2014

STRETCHING THE RULES

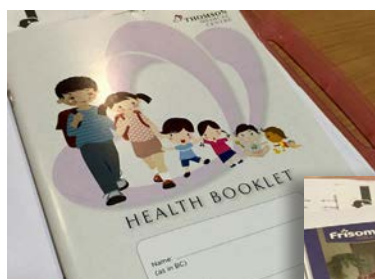
- This section highlights marketing practices which undermine or discourage breastfeeding especially when relating to products which may not come under the scope of the Code.
- Sponsorship activities which may give rise to conflicts of interest are also reported here. These activities are intended to promote breastmilk substitutes and violate Resolutions on conflicts of interest.

- In Hong Kong, the homepage of *Frisomum* starts off on a sentimental note with mum telling her newborn, “We’ve only just met but I feel sure we’ll be best friends. Sharing the joy of every step we take together.” The images on the website is very upfront about the benefits *Frisomum* milk-for-mothers will bring to her baby.



Growing-up together, smart and strong with Frisomum.

- In Singapore, a private hospital specialising in deliveries issues a health booklet which carries a **Frisomum Gold** ad. The health booklet is given to all patients to track their babies’ growth and keep their immunisation record. The booklet will be kept by parents as it is required for pre-school and primary school registration. The **Frisomum** ad entitled, “Experience more together” tells mums that “*Frisomum contains building blocks for you and your child to be strong inside, so you can experience more through the incredible journey of motherhood.*”



An ad for keeps as the child's records will be needed later for school.

Editorial Note: Company promotion of milk for mothers (MFMs) often conveys the message that pregnant and lactating women need MFMs to have a safe pregnancy and to be able to breastfeed successfully. These women and their families are led into thinking they need a special diet which would be fulfilled by MFMs. These messages are far from the truth and they compete unfairly with breastfeeding campaigns that work hard to show women that breastfeeding comes naturally and that given the right support, every woman can breastfeed.

MFMs are not covered by the scope of the International Code and the promotion of MFMs does not violate the letter of the International Code. They do stretch the spirit of the International Code by seriously undermining breastfeeding.

“In relation to infant and young child feeding, conflicts of interest should be avoided at multiple levels including by health professionals, their associations, government officials and their departments. Interactions with baby food manufacturers could lead to the loss of independence, integrity, trustworthiness and credibility.”

Addressing and Managing Conflicts of Interest: Report of a technical consultation convened in Geneva, Switzerland, 2015. WHO.

HEINZ

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

Visiting address:
HJ Heinz Company
One PPG Place, Pittsburgh
Pennsylvania 15222, USA.

www.heinz.com

BRANDS

COVERED BY THIS REPORT

Nuture
Plasmon
Farex
Wattie's

LOGOS

Kraft *Heinz*



HEINZ
Nuture



Farex



Wattie's

GENERAL INFORMATION

The Kraft Heinz Company formed in July 2015 after a merger between Kraft Foods Group, Inc. ("Kraft") and H.J. Heinz Holding Corporation ("Heinz"). Prior to the merger, both Kraft and **Heinz** were in the food industry for over 100 years and they both manufacture and market food and beverage products, including condiments and sauces, cheese and dairy, meals, meats and other grocery products under a portfolio of brands which are complementary. The merged entity became the 3rd largest North American food and beverage company and 5th largest globally with joint revenues of approximately USD28 billion at the time of the merger.

The infant and nutrition category of the merged entity is relatively small – with net sales amounting to USD 762 million, a mere 3% out of a total net sales of USD 26 billion for the year ending December 2016. Brands under this category are **Heinz**, **Wattie's** and **Plasmon**.

The Kraft Heinz Company has an Employee Code of Conduct where the guiding principles are -

- 1) Compliance with all applicable laws and regulations;
- 2) Adherence to Highest Ethical Standards; and
- 3) Duty to speak up for suspected violations of laws or the Code of Conduct.

The company prides itself as a socially and environmentally responsible company; dedicated to enhancing the quality of people's lives through commitment to sustainability, health and wellness, and social responsibility. These solid principles do not appear to cover the marketing of baby foods and it certainly did not prevent the company from landing itself into a spot of trouble with consumer authorities in Australia.

News Flash:

In early 2017, Kraft Heinz executives withdrew their USD 143 billion bid for Unilever after the latter's CEO made public his opinion that the deal under-valued the business and was not a good fit because of the large personal care branch of the business, where Kraft Heinz has no experience. Kraft Heinz's attempt spark a national debate that is seeing increasing pressure on the British government to protect home grown businesses from future hostile foreign acquisitions.
<http://www.cosmeticsdesign-europe.com/Business-Financial/Kraft-Heinz-hostile-Unilever-bid-sparks-UK-debate>

Heinz 'healthy' toddler food mostly sugar

In June 2016, the Australian Competition and Consumer Commission (ACCC) took H.J. Heinz Company Australia Ltd (Heinz) to court over its *Little Kids Shredz* products.



The ACCC alleges the Heinz packaging is misleading the public. The expert witness called to give evidence to the court said the shredz bars more closely resembled confectionery than fruits or vegetables.

The ACCC alleges that Heinz made false and misleading representations, and engaged in conduct liable to mislead the public, in relation to the nature, characteristics and suitability of these products, in contravention of the Australian Consumer Law.

The Shredz products' packaging features prominent images of fresh fruit and vegetables and statements such as '99% fruit and veg' and 'Our range of snacks and meals encourages your toddler to independently discover the delicious taste of nutritious food'.

The ACCC alleges that these images and statements represent to consumers that the products are of equivalent nutritional value to fresh fruit and vegetables and are a healthy and nutritious food for children aged one to three years when this is not the case.

"Heinz is marketing these products as healthy options for young children when they are not. These products contain over 60 per cent sugar, which is significantly higher than that of natural fruit and vegetables - for example, an apple contains approximately 10 per cent sugar," ACCC Chairman Rod Sims said. The ACCC alleges Heinz Shredz products are likely to inhibit the development of a child's taste for natural fruit and vegetables and encourage a child to become accustomed to, and develop a preference for sweet tastes.

In initiating this action, the ACCC made it clear that major companies have an obligation under the Australian Consumer Law to ensure products' health claims do not mislead the public. The Shredz product range includes three varieties; 'peach apple and veg', 'berries apple and veg' (pictured), and 'strawberry & apple with chia seeds' and has been available in major supermarkets nationally since at least August 2013.

Attempts to resolve the matter by mediation in Q3/2016 failed. At the time of writing, the case is still pending in court.

Heinz Recall of Baby Cereal in China



In August 2014, H.J. Heinz Co., Kraft Heinz's predecessor recalled nearly 1,500 boxes of Heinz AD Calcium Hi-Protein Cereal in China after it was found to contain excessive levels of lead. Heinz officials apologised for the situation and said they had traced the problem to ingredients in a batch of degreased soybean cereals. No other Heinz Baby Food varieties are affected, the statement added.

According to the U.S. Food and Drug Administration (FDA), exposure to large amounts of lead, whether from food or any other source, can affect numerous body systems including the central nervous system, the kidneys and the immune system. In children, chronic exposure to lead, even at low levels, is associated with impaired cognitive function, including reduced IQ, behavior difficulties and other problems.

PROMOTION TO THE PUBLIC AND IN SHOPS

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.

- **Article 5.3** of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.

■ In Australia

- The **Heinz** formula range harps on its 65 odd years' experience in infant and toddler nutrition and are described as *"designed to be gentle on little tummies and are scientifically formulated by infant nutrition experts so you can be confident of giving your child a great start if choosing to use infant formula and toddler milks."*



"Good nutrition today can give your child a healthy tomorrow".

- Discounts of a full range of Nurture formula products are common.

		
Heinz Nurture Original Infant Formula 900g	Heinz Nurture Gold Toddler Formula 900g	Heinz Nurture Gold Follow On Formula 900g
\$15.99 SAVE \$1.00	\$15.99 SAVE \$1.00	\$18.99 SAVE \$0.50
BUY NOW	BUY NOW	BUY NOW

Editorial Note: National measures of the countries reported on this page fall below the minimum standard set by the Code but the practices reported here are not violations under national law. Code Article 11.3 provides that independently of any other measures taken for implementation of the Code, manufacturers and distributors should regard themselves as responsible for monitoring their marketing practices according to the principles and aim of the Code, and for taking steps to ensure that their conduct at every level conforms to them.

■ In China

- The Heinz website starts with a banner that says, *"When you choose the right formula for your baby, their tummy is happy, mothers are free of worries."* **Heinz** infant formula claims the product *"enhances digestion, facilitates bowel movement, and make the tummy happy"*.



"Its 'intestinal protection system' is the product's key feature with '89% of mothers who have used the products agreeing that their babies' digestive system has improved'".

- Additionally, the 'microcapsule' technology used to encapsulate the product's iron and calcium ingredients is said to *"mimic the structure of our intestinal membrane, which harmonises very well with our intestinal cells and helps the body absorb nutrients through its cell membrane."*



Heinz explains how its microcapsule technology facilitates absorption of nutrients.

■ In Italy

- The website of **Plasmon** proclaims, “*innovation in milk has arrived*” and promotes **Plasmon Nutri-mune**, as a unique line that has no palm oil and a special ingredient - fermented milk with *L. paracasei* CBA L74. The website describes how that balance established with **Plasmon Nutri-mune** in the first years of life has an impact on subsequent phases by reducing the risk of developing allergies or autoimmune diseases.



Setting the stage for balance from young...



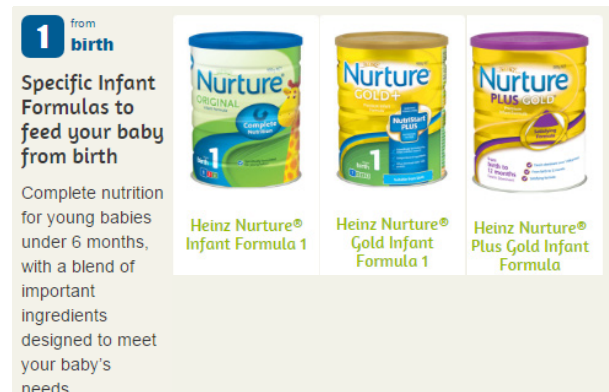
...and reduced price offers for infant formula.

News Flash: In July 2017, the European Food Safety Authority (EFSA) rebuffed Heinz's complaint against the negative opinion of EFSA's Panel on Dietetic Products, Nutrition and Allergies (NDA Panel) on the company's claim relating to Nutrimune infant formula product and immune defence against pathogens in the gastrointestinal and upper respiratory tracts. According to EFSA, the comments received from Heinz do not require any change in the conclusions of the EFSA NDA Panel, issued earlier in the year, that the evidence provided is insufficient to establish a cause and effect relationship.

Nutra ingredients.com, 12 July 2017

■ In New Zealand, the **Heinzforbaby** website promotes

- A full range of **Nurture** infant formula is described as containing “*a blend of important ingredients designed to meet your baby's needs*”.



Never mind breastfeeding. These products contain “important nutrients designed to meet baby's needs”.

- There is Money Back Guarantee for parents who make an attempt in “Nurturing Happy Tummies”.



No harm trying as refunds are possible if dissatisfied.

Breastfeeding: missed opportunity

“In China, for example, where only 21% of infants are exclusively breastfed for 6 months, inadequate breastfeeding is associated with economic losses of US\$66 billion per year, driven by costs associated with lower cognitive capacity and maternal and child deaths.”

[http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(17\)32163-3/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(17)32163-3/fulltext)

HEINZ PROMOTES USE OF COMPLEMENTARY FOODS BEFORE 6 MONTHS

The 2016 Guidance on ending inappropriate promotion of foods for infants and young children (A 69/7 Add.1) recommends that messages on complementary foods should always include a statement on the need for breastfeeding to continue through 2 years and that complementary foods should not be fed before 6 months.

The messages used to promote foods for infants and young children should support optimal feeding and inappropriate messages should not be included. The report below shows how recommendations in the Guidance continues to be ignored by Heinz in its promotion of complementary foods.

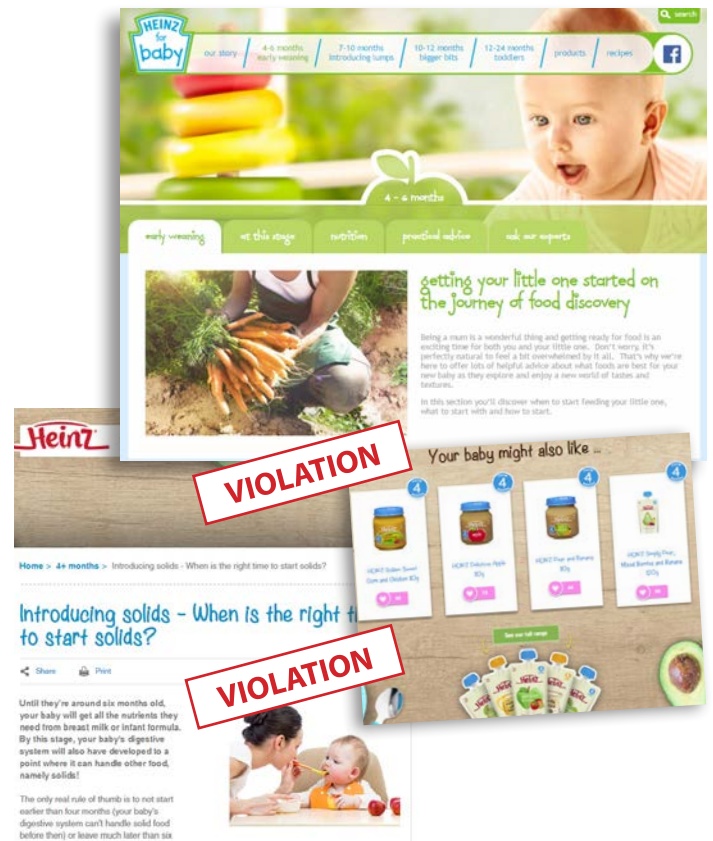
■ In Australia

- The **Heinz forbaby** Facebook page and website claim that between the ages of 4-6 months your baby will be ready to start solids and offer some products with hints to help identify the right time to introduce them. The slogan of its marketing campaign is “Gotta love the good stuff”.



If your bub's starting to get curious about food, **Heinz** provides a link on how to start the weaning process.

■ In Canada and the UK, the information on the **Heinzbaby** website begins with early weaning and focuses on “getting your little one started on the journey of food discovery”. Mums are told that every baby is different so the right time to move onto solids varies and are taught to look for tell-tale signs that their little ones are ready to start weaning. When they are, there is a variety of textures and nutrients for every stage such as **Heinzbaby's** “tasty pouches to delicious cereals, hearty meals and fruity desserts, plus convenient snacks and drinks”.



Encouraging early weaning in Canada and the UK.

■ In Italy

- The **Plasmon** Facebook page promotes **Plasmon** complementary products using images of very young babies and texts which suggest that it's time for **Plasmon** products and how important it is to educate them about correct diets (**Plasmon**, of course) in the first months of life.



(Left) It's **Plasmon** time! Really? (Right) Teach them to eat right, on a **Plasmon** diet, of course.

■ In New Zealand

- Both the baby feeding guide for **Watties** and **Farex** suggest that babies may be ready to start solids from 4 months and have products to offer for those who are 'ready for solids'. The **Farex** brochure asks parents to look out for signs to tell them when their baby is ready for solids and pushes an iron enriched cereal for each stage of development.



Not every cereal is iron enriched unlike **Farex**. There is an iron enriched cereal for each stage of baby's development, even as of four months.

- Parents are invited to try their luck every month by signing up to the **forbaby** website to win various gifts including the "Starting Solid Pack" for use by babies as of 4 months and the "Ultimate Baby Feeding Prize" pack worth over NZ\$650. This pack includes stylish Mocka wooden high chair, a Philips AVENT Combined Steamer & Blender, adorable bibs, goodies from **Wattie's** Baby Basics, and a huge selection of baby food from **Wattie's**, **Heinz**, and **Farex**! The accompanying congratulatory notes make no mention about the dangers of stopping exclusive breastfeeding. Grateful winners raved about the prizes on the **ForbabyNz** facebook page which is an excellent public relations for the company.



Heinz tells parents, "It pays to be in to win".

Conflict of interest in Kiwi child health programme

Plunket, New Zealand's largest provider of health services for children under five, promotes a partnership approach to child health and works with many organisations in the delivery of its services. An important stream of funding is businesses which support the society through sponsorship, goods in kind and funding for particular initiatives. One of Plunket's business partners is **Heinz Wattie's**.



The health of New Zealand's kids are in the hands of giant corporations.

Together Plunket and **Heinz Wattie's** have formalised their relationship to launch a range of **Wattie's-Plunket** baby foods under a licensing deal. The Heinz **forbaby** website proclaims that the partnership has benefited New Zealand infants. How exactly Kiwi infants are supposed to have gained from this partnership is not explained but **Heinz Wattie's** products would surely be the product that Plunket nurses endorse and recommend to the community they attend to. Plunket says it sees more than 90% of all newborns in New Zealand through home and clinic visits, – now that's monopoly and a marketing pipeline every business would love to have.



In June 2017, concern was raised in the NZ Herald that the whole Heinz **Wattie's** range was endorsed by Plunket on the packaging, regardless of the sugar content.

World Health Assembly resolution 58.32 [2005] warns against conflict of interest in infant and young child feeding programmes. Nothing in the Plunket or **forbaby** websites explains how this very obvious conflict of interest is being managed.

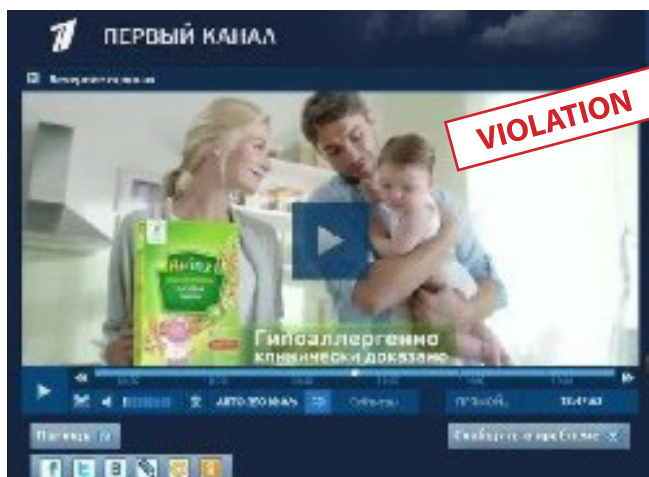
- In Trinidad and Tobago, **Heinz** jarred food products for toddlers, although labelled for 6 months and above, have a picture of a young infant on the label. These products which encourage early introduction of complementary feeding, are then put on sale by a local supermarket under a "buy 5 get 1 free" and a "2 pack \$ave" offers.



The picture of a young baby on the label gives the clear impression that the products are suitable for babies below 6 months.

■ In Russia

- The website of a Central Russia TV channel has an ad for **Heinz** porridge which is labeled as suitable for children from 4 months.



Idealising images like this sell on TV.

- A **Heinz** leaflet given by a doctor to a mother provides incorrect information on when to start complementary feeding.

ПРИМЕР ГИПОАЛЛЕРГЕННОГО МЕНЮ ДЛЯ РЕБЕНКА ПЕРВОГО ГОДА ЖИЗНИ, СКЛОННОГО К АЛЛЕРГИИ

Возраст	1 кормление Раннее утро	2 кормление Завтрак	3 кормление Обед	4 кормление Полдник	5 кормление Ужин	6 кормление Перед сном
5-6 мес.	Грудное молоко или ГС* 150-180 мл	«Низкоаллергенная гречневая кашка» 10-150 г**; сливочное масло (топленое) 4 г; вводится в рацион не ранее 5,5 мес.	Овощное пюре «Брокколи» до 150 г***; растительное масло 3 мл; вводится в рацион не ранее 5 мес.	Фруктовое пюре «Сочные яблоки» 5-40 г** не ранее 5,5 мес.	Грудное молоко или ГС* 150-180 мл; или «Низкоаллергенная рисовая кашка» до 150 г**	Грудное молоко или ГС* 150-180 мл
6-7 мес.	Грудное молоко или ГС* 180-200 мл	«Низкоаллергенная кукурузная кашка» 150 г; сливочное масло (топленое) 1 г	Овощное пюре «Кабачки» до 170 г; мясное пюре «Постная выдержанная» до 30 г; растительное масло 3-5 мл	Фруктовое пюре «Черешки» 60 г; печенье Heinz (несдобное) 5 г не ранее 1 мес.	Грудное молоко или ГС* 180-200 мл; или «Гречневая кашка с яблоком» до 150 г	Грудное молоко или ГС* 180-200 мл
7-8 мес.	Грудное молоко или ГС* 180-200 мл	«Гречневая кашка с Омега 3» до 180 г; сливочное масло (топленое) 5 г	Овощное пюре «Цветная капуста» 170-180 г; мясное пюре «Постная крольчатинка» 30-50 г; растительное масло 5 мл	Фруктовое пюре «Сладкая груша» 70 г; печенье Heinz (несдобное) – 5 г	Грудное молоко или ГС* 180-200 мл; или «Низкоаллергенная кукурузная кашка» до 180 г	Грудное молоко или ГС* 180-200 мл
8-9 мес.	Грудное молоко или ГС* 180-200 мл	«Низкоаллергенная рисовая кашка» 180 г; сливочное масло (топленое) 5 г	Овощное пюре «Овощной микс» 180 г; мясное пюре «Постная крольчатинка» 30-40 г; растительное масло 5 мл; хлеб 5 г не ранее 8-9 мес.	Фруктовое пюре «Фруктовый микс» 80 г; печенье Heinz (несдобное) 5 г	«Низкоаллергенная гречневая кашка» до 180 г; или овощное пюре «Брокколи» до 180 г	Грудное молоко или ГС* до 200 мл; или кефир/кисломолочные продукты до 200 мл не ранее 8 мес.
9-12 мес.	Грудное молоко или ГС* 200 мл	«Гречневая кашка с яблоком» до 200 г; сливочное масло (топленое) 5-6 г	Овощное пюре «Кабачки» 200 г; мясное пюре «Постная крольчатинка» 70 г; растительное масло 5 мл; хлеб 10 г	Фруктовое пюре «Сочные яблоки» 90 г; печенье Heinz (несдобное) 10-15 г	«Низкоаллергенная кукурузная кашка» 180-200 г; или овощное пюре «Цветная капуста» до 180-200 г	Грудное молоко или ГС* до 200 мл; или кефир/кисломолочные продукты до 200 мл

ГС – гипоаллергенная смесь для вскармливания детей.
 **Если Вы только начали вводить данный продукт, то обязательно дозируйте грудным молоком или ГС* до объема общей порции с учетом возраста.
 ***Печенье Heinz не содержит яиц.

A hypoallergenic menu for a child inclined to allergies suggests solid foods should start before 6 months.

- Discounts and special offers on **Heinz** complementary foods marketed for babies below 6 months are common.



Some of these products are labelled "from 4 months", others "5 months".

■ In the UAE

- An ad entitled "**Heinz Organic for your baby**" was advertised in 7Days, a Dubai free newspaper which is widely distributed to the expatriate community. The subtitle of the ad reads, "*If it's not homemade, it should be **Heinz Organic***". The age indication on the label of the products advertised is 4 months and the picture of the baby shown in the ad is around the same age. WHO recommends exclusive breastfeeding for six full months.



Targeting infants at a time when they should be exclusively breastfed.

- A check into 7Days website reveals a contest jointly organised by the newspaper together with **Heinz Organic** for the "7Days Cute Kid Of The Year". The contest is open to children 18 months and below. The winning entry will get "a year's supply of **Heinz Organic** baby food, while the first and second runners-up will win a six-month supply of **Heinz Organic** baby food."



The cutest kiddie in the UAE will be the face of **Heinz Organic** and become a Code violator.

Conflicts of interest

“...individuals tend to think they are immune to conflicts of interest and underestimate the extent to which these may affect their judgement and behaviour.

The rudimentary conflicts of interest safeguards that exist in the infant and young child feeding area are not well known and are not respected or enforced at all levels, from international through national to local or professional associations.

Before Member States enter into a partnership or joint venture or engage in any form of relationship with private sector actors, they should analyse whether there are conflicts of interest.

It also helps to establish a means of independent monitoring of the activities of the partnership, with strong civil society institutions, protection for whistle-blowers, and engagement of independent consumer groups in the policy process and registration of lobbyists and limits on lobbying.

Private financial interests can infiltrate and skew the judgement of academics and NGOs in ways that go beyond whatever personal or organizational biases those academics and NGOs might have.”

Addressing and Managing Conflicts of Interest: Report of a technical consultation convened in Geneva, Switzerland, 2015. WHO.

HERO

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

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BRANDS

COVERED BY THIS REPORT

Hero Baby
Semper
Sunar
Sunarek
Pedialac

LOGOS



GENERAL INFORMATION

The Hero Group's core business categories are Baby & Toddler Food (BTF), Jams, Healthy Snacks, Baby & Toddler Milk (BTM) and Specialties. Its BTF category made up 29.5% of Hero's total net sales of CHF 1.3 billion. This category covers cereals, jars, pouches, biscuits, and juices served as in-betweens and snacks.

Under its BTM category, Hero manufactures different brands of formula milks including **Hero Baby**, **Pedialac**, **Semper** and **Sunar** in numerous European countries, the Middle East & Africa

region, South East Asia and China. The BTM category made up 10.1% of the Hero Group's total net sales for 2016.

Net sales in the BTM category declined 6.7% organically in 2016 after the considerable growth of 16.2% the year before. This, the company says, is because of volatile economic circumstances in many regions as well as regulatory uncertainties regarding BTM in China.

The guiding slogan for its baby food business is *Nutrition Today, Health Tomorrow*. In Hero's 2016 Sustainability Report, the company maintains that the best investment it can make is in the health and safety of consumers, especially the youngest. The company says it supports the World Health Organization's recommendation of exclusive breastfeeding up to six months, and continued breastfeeding with appropriate complementary foods up to two years and beyond. This so-called support did not prevent the company from labelling its infant food products from 4 months (Hero website).

There is no reference to the International Code or the WHO Guidance on Inappropriate Promotion of Foods for Infants and Young Children in the Sustainability Report.

Hero has a Code of Conduct which sets out its fundamental business principles. The Code of Conduct's first principle is on consumer health and nutrition where it says it will abstain from targeting its advertisements to children less than 6 years of age! The company must take this to mean that it is in order to target parents and health professionals who care for these children!

Hero spent CHF 104 million (8.2% of net sales of 1.3 billion) on advertising and promotion in 2016. No breakdown is given on how much of this amount is spent on BTF and BTM but this report shows considerable expensive promotion.

ALL ABOUT CLAIMS

In the official Hero Baby website, information on **Hero Baby** follow-on formula includes many claims about its *Nutrasense* formulation and nutrient content. These include:



Hero Baby with Nutrasense because "We want your baby to grow well."

- Prebiotics (GOS) with bifidus to stimulate the growth of intestinal bifidobacteria in infants and help reinforce their natural defenses.
- Omega 3 and 6 (DHA and ARA essential fatty acids) to contribute to the suitable development of the brain and sight in the first months of life of the baby.

- Nucleotides to enhance the immune system in infants and improve intestinal development and iron absorption.

Contrary to the 2016 Guidance on Inappropriate Promotion of Foods for Infants and Young Children, infant cereals begin from the age of 4-6 months. Hero Baby describes its products as suitable for this age range in a poorly constructed sentence as follows - "(sic) *the development of babies and their cerebral and psycho-motor maturation advise slowly incorporating a more varied diet, with the supervision of your pediatrician, covering their nutritional needs (minerals, vitamins and trace elements).*" (accessed 27/4/2017)

Instead of following the messages prescribed under the WHO Guidance on inappropriate promotion of foods for infants and young children, **Hero Baby** infant cereals are promoted as resulting from "*the most advanced research in the Hero Baby Infant Institute and are carefully adapted to the nutritional needs of babies from 4 months of age*". The messages Hero prefers to stress are the infant cereals' "*exclusive enzymatic hydrolysis process*" - hyped as offering a more balanced intake of slow and fast digesting carbohydrates, and the fact that the cereals have no added sugars so babies get used to natural flavours and adapt to a "*healthy eating habits that prevent obesity and other diseases in the future*".

Infant cereals

From 4 to 6 months of age, the development of babies and their cerebral and psychomotor maturation advise slowly incorporating a more varied diet, with the supervision of your pediatrician, covering their nutritional needs (minerals, vitamins and trace elements). Infant cereal is a very appropriate food in this stage.

The new Hero Baby infant cereals are the result of the most advanced research in the Hero Baby Infant Institute and are carefully adapted to the nutritional needs of babies from 4 months of age. The exclusive enzymatic hydrolysis process developed at Hero offers a more balanced intake of slow and fast digesting carbohydrates. Furthermore, Hero Baby cereals have no added sugars so that babies can get used to natural flavours and to encourage healthy eating habits that prevent obesity and other diseases in the future.



Start at 4 months; ignore exclusive breastfeeding and the risks of early introduction of complementary feeding.

Fruit juices are, in turn, described as ideal to start diversifying babies' diets after 4 months of age, "*they are made with the best fruits (100% fruit and 100% natural) so that they retain all the flavour and natural properties*" and will ensure "*fiber intake suited to babies' nutritional needs*".

Beverages

Fluids play an important role in the balanced diet of babies and in their learning and acquisition of good eating habits.

At Hero Baby we are aware of this and offer a variety of beverages for babies suited to their nutritional needs from introducing fruit at 4 months of age, up to 3 years. They are all 100% natural and provide high nutritional value.



Fruit juices

These are ideal to start diversifying babies' diets after 4 months of age. They are made with the best fruits so that they retain all the flavor and natural properties.

- 100% fruit especially selected for baby food.
- 100% natural, with no preservatives or colorings.
- Fiber intake suited to babies' nutritional needs.
- No added sugars to prevent obesity and to promote healthy eating habits.

Nothing in these webpages reflects the messages recommended by the WHO guidance.

Inappropriate Labelling

In addition to the fact that the products below are recommended as suitable from 4 months of age, the presence of the feeding bottle on the label also brings them under the scope of the Code.



Labels in Spanish like these from Guatemala are also for sale in non-Spanish speaking countries like Cambodia.

PROMOTION TO THE PUBLIC AND IN SHOPS / LABELLING

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.
- **Article 5.3** of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.
- **Article 9** of the Code requires labels to NOT discourage breastfeeding and inform about the correct use of the product, the risk of misuse and abide by other points.
- **WHA 58.32 [2005] and 63.23 [2010]** prohibit nutrition and health claims unless allowed in national legislation.
- **The Guidance on Inappropriate Promotion of Foods for Infants [A 69/7 Add.1]** requires that labels include a message about the appropriate age of introduction of the food which must not be less than 6 months of age.

- In Armenia, a booklet and a note pad both entitled “*Natural and premium food from Sweden*” are found in maternity hospital. The booklet, aimed at mothers, contains promotion on **Semper 1**, **Semper 2** and a range of Semper complementary foods which are represented as suitable for use by infants as of 4 months.

Russian materials are brought into Armenia, in violation of the national law.



- In the Czech Republic,
 - the official website for **Sunar** shows a full range of **Sunar Premium** formula products which are promoted through claims. For example **Sunar Premium1** infant formula is described as having “*a unique composition that is inspired by the composition of breastmilk*” with “*a unique combination of substances occurring naturally in breastmilk which children will love*”. **Sunar Premium 2** and 3 are said to contain “*components of the new recipe prepared in accordance with the pattern of breastmilk which contributes to the immunity, brain and cognitive development of the child*”



Displaying formula products with milks for mothers means there is potential for cross promotion.

- **Sunarek** complementary foods, juices are promoted on Facebook and online store ads for babies from 4 months while **Sunarek** teas are promoted from as early as the first month.



These products are promoted as containing all the important nutrients that are necessary for the development of children

- Advertisements idealising **Sunar Premium 2** and pictures of public events to promote the product can be found on the **Sunar** Facebook page.



Ads showing mums and babies in idealising poses help marketing personnel do their work.

■ In Romania

- **Hero Baby Premium Nutrasense 2** is described on Hero Baby's Facebook page as "*the latest generation of formula milk*". While conceding that breastmilk is best and cannot be replicated industrially, Hero boasts that its nutrition experts "*have succeeded in developing a range of formula milk close to breastmilk*".



The "ultimate" milk formula!

- another posting tells parents – "*On your marks, get set ... and start shopping*" at a retail chain store because, for one day only, all Hero products will be on offer at low prices. In addition, there will be "*nibbly tasty gifts*" for little kids as well as for parents.



No joke – it's a race to the store.

- a Facebook posting announces yet another edition of a parents and baby expo where "*Hero Baby is waiting for you in the same place, at b22, with lots of news and special offers.*" The product icons show the full range of Hero Baby products.



This baby expo thing is getting to be habit - Till we meet again.

- In Russia, bulk purchases of **Semper1** and **Semper2** formula products are given special discounted prices.



The more the merrier.

- In the Slovak Republic,
 - the content the official **Sunar** website is the same as the one seen in the Czech Republic, where there is a full listing of the entire range of **Sunar** products. **Sunarek** complementary foods are indicated as suitable from 4 months.



Mums will be inundated by claims when they click on these products.

- On the page that provides information on **Sunar** infant formula, the formulation of *Sunar Complex* is said to be based on the "template" of mother's milk and contains a unique combination of substances naturally present in mother's milk with milk fats for a delicious taste.



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Like mother's milk and it's delicious to boot.

- The **Sunar** facebook page contains postings saying that **Sunar Premium** is modelled on breastmilk and is able to contribute to the development of immunity, brain and cognitive functions of the child.



After Sunar, immunity, bright brain and better cognitive functions start kicking in.

- Another facebook posting states that **Sunar Premium 2** tastes “almost like yummy mummy’s” with composition of the product resembling breastmilk.



Cows milk just like mummy?

Look at this!

Drinks, anyone?

Slovak Republic - The facebook posting below by a lifestyle blogger tells readers “Everyone deserves to drink the best. The little ones can celebrate today with **Sunar premium** and us, adults , we can also enjoy a tasty drink, e.g. Bohemia Sekt Premium. What kind of drink have you tried lately?” This offer is accessible from the **Sunar** facebook page. Since **Sunar** promotional materials are pictured together with this bizarre combination of products, Hero is likely to be a party to the deal.



Nicely packaged. Best selling sparkling wine promoted with **Sunar Premium 1** and **2**. Bizarre combination and definitely a Code violation.

Over-sized Hero baby on tour.

Spain - To attract attention, Hero installs a giant sized baby next to an equally big tin of **Hero Baby Nutrasense** in a public square. The giant baby and tin are the centrepiece of a road tour that Hero is organising throughout Spain.



Pedestrians stop and stare at a square in Valencia. The baby has succeeded in attracting attention to the product next to it.

LOOK WHAT THEY'RE DOING IN CAMBODIA



In Cambodia, Sub Decree 133 on the Marketing of Products for Infant and Young Child Feeding governs marketing of products for infants and young child up to 24 months. Both awareness and enforcement of the law are poor and Hero representatives and agents are exploiting this implementation gap. In view of Hero's avowed principles to support WHO recommendations on infant and young child feeding, the practices shown below should not be happening but they are.

Hero promotion in shops

Special promotions and eye catching displays of a full range of **Hero Baby** and **Pedialac** formula products are posted like badges of honour on the Facebook page of Hero Baby Cambodia in careless disregard of the prevailing law.



(Left) Visiting company rep checks on positioning of **Hero** products.
(Right) followed by a group picture to boost morale of local distributor.
The overhead banner highlights the origin of **Hero** products - Switzerland - making it a selling point.



In one shop, Hero sales girl stands on duty to promote products on special offer, while at another shop, a special Hero display counter attracts customers.

Street and virtual advertisements

Hero Baby and **Pedialac** products all of which are covered by the scope of the Cambodian law are advertised as “Best quality from Europe” on shop signboards, standing banners and in online advertisements. The slogan “Enjoy Motherhood” often accompanies the advertisements.



Hero should comply with the law of the country it does business in but it does not as the above advertisements demonstrate .

Spanish labels in Cambodia

Ads on **Pedialac** formula products often put forth a string of letters to make claims about the nutrient content of the products such as ALA/DHA Taurin, ARA/LA Choline for brain development and Vitamin B1,B2,B5,B6 and B12 for the immune system. Products shown are labelled in Spanish, the same as **Hero** products on sale in shops. Cambodians don't speak Spanish.



Idealising images and gifts with purchases are some of the tactics used by **Hero** to sell its **Pedialac** products.



Labels of **Hero** jarred foods and juices, are indicated as of 4 months and sometimes are recommended for use by feeding bottle making them products under the scope of the Code.

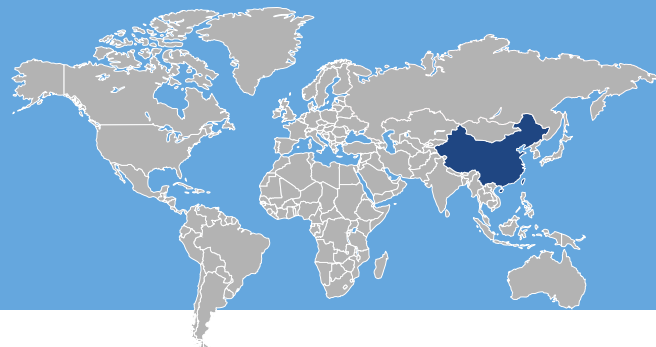
Charity or public relations

As part of a charity campaign for mothers living with HIV, medical doctors give out supplies of **Hero Baby** formula products courtesy of Hero Baby Cambodia. Apart from the fact that donations of this nature are contrary to international guidelines on HIV and infant feeding, labels of donated products are in Spanish so mothers and care givers will not be able to safely prepare the product. Moreover, the donation campaign is glorified and posted on Facebook resulting in illegal promotion of **Hero Baby** products and possible spill over of breastmilk substitutes to the general population.



In the context of HIV, breastmilk substitute should be obtained through normal procurement channels, and not through donations from manufacturer. Getting a one-off donation from Hero Baby does not amount to an adequate procurement and distribution system.

LOOK WHAT THEY'RE DOING IN CHINA



Rampant promotion through health claims

In China, Hero's milk range consists of **Hero Baby 1** (infant formula), **Hero Baby 2** (follow-up formula), and **Hero Baby 3** (growing-up milk). As in other countries, the formulation that is promoted for this range is called "*Nutrasense*", a combination of nutrients which claims to "*contain some of the same substances similar to breastmilk that help enhance the immune system*".

Claims made about the substances that go into the "*Nutrasense*" formulation mirror those made on Hero's official website. For example, there are statements about "GOS" for "*bifidobacterial growth that is important in immune system*"; "Omega 3 & 6" to provide "*DHA and ARA that help normal development of brain and vision in the first few months*"; "Nucleotides" to "*strengthen immune system, enhance intestinal development and iron absorption*". Even "*Iron rich*" for normal development.



Hero claims its **Hero Baby** infant formula with Nutrasense provides a variety of health benefits.

Idealising image of mum and baby promotes Nutrasense as a special combination of nutrients.

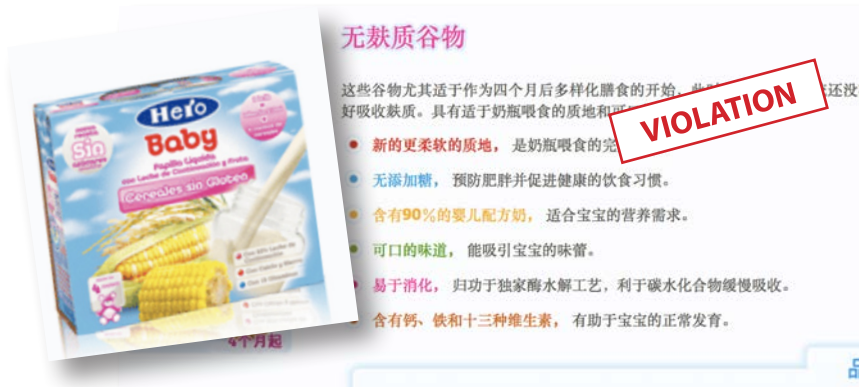
Hero violates global infant and young child feeding recommendations by blatantly stating that its complementary foods which include baby cereals and bottled puree food are suitable for babies starting from 4 months. Its cereal product is promoted with a "*Natur Balance*" logo and described as being able to "*promote bifidobacteria activity that strengthens intestinal health, and iron calcium absorption*". Much is made about the fact that the product has "*no added sugar*" to "*prevent potential obesity and other diseases*".



"Natur Balance" - neither too much nor too little.

Marketed from 4 months and enhanced with "Natur Balance" to promote, among other things, intestinal health.

In addition, Hero manufactures a liquid baby cereal which is marketed to be suitable for bottle-feeding. The product is promoted as “*new silky soft quality, the perfect choice for bottle-feeding*” on the Hero China website.



Promotional text on website claims its liquid cereal to be the “perfect option for bottle-feeding”.

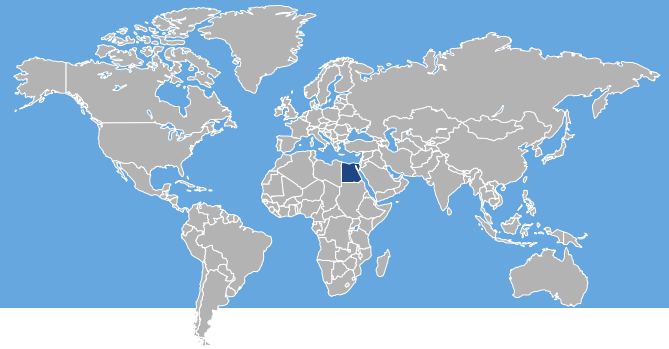
Reaching Out to Parents

Hero reaches out to parents through various events and activities among them, the “*Hero Baby Mothers Painting Workshop*” that targets urban elite mothers. This target population have high spending power and are more inclined to buy premium imported products. Thus the “*Swiss origin*” of **Hero** products is always highlighted. With emphasis on the importance of “*mother-child interaction*” and developmental goals such as “*being artistic and creative*”, the workshop taps into the psychology of an urban elite class that aspires to adopt a westernised parenting style. Sandwiched in the middle of the “*painting*” workshop, is a session conducted by a nutritionist to show mothers how to prepare baby formula, sealing its promotional purpose.



Painting is just an excuse for Hero to introduce its products through its mascot bear.

LOOK WHAT THEY'RE DOING IN EGYPT



Frolics in Porto Marina

Based in Egypt, Hero Middle East & Africa (MEA) is the regional export hub and it offers a complete range of toddler and baby foods in 12 countries across the region. Hero MEA says its mission is to *"Delight consumers by conserving the goodness of nature"* and is committed to *"offer the best of nature for babies and toddlers to support development in the healthiest way possible"*. Toward this end, Hero MEA unabashedly shows on its Facebook page the tactics it uses to attract attention to its baby food products.

For example, postings on Facebook show special display booths set up in Porto Marina, an upscale resort town in Egypt to promote **Hero Baby** products. Pictures posted show how mums with young babies are being approached by marketing personnel, seemingly to provide personal data to facilitate future contact. In return, these mums are given gift packs courtesy of Hero Baby. At the same time, children are provided with gadgets bearing the Hero Baby brand name and logo to amuse themselves.



Making friends to make sales.

Complementary products promoted by Hero MEA are recommended for babies from 4 months. Its advertising reaches out to mothers in other parts of the Middle East as the Facebook posting below on *"new jar with a more natural look"* illustrates.



Inviting comments about culture and traditions of Emirati mothers during Ramadan. Such a platform can draw a lot of interests from a new generation of tech savvy mums who want to socialise with others on social media.

STRETCHING THE RULES

- This section highlights marketing practices which undermine or discourage breastfeeding especially when relating to products which may not come under the scope of the Code.
- Sponsorship activities which may give rise to conflicts of interest are also reported here. These activities are intended to promote breastmilk substitutes and violate Resolutions on conflicts of interest.

- In the Slovak Republic, Sunar promotes the Sunaru Garvimilk to provide pregnant women with all the necessary nutrients for pregnant and breastfeeding mums because *“breastmilk is the best thing that mother can give the baby”*.



Misleading mothers when a normal diet will do just fine.

The idea of promoting milk for pregnant women with a scan of a foetus has been used before in Malaysia, by Friesland to promote **Friso Mum Gold**. Granted there used to be a link between Hero and **Friso** products in the Netherlands prior



to 2013 but with the kind of money Hero spends on promotion one would think their marketing machinery would come out with something more original.

Copy cat promotion.
(Source BTR 2014)

***Editorial note:** Company promotion of milk for mothers (MFMs) often conveys the message that pregnant and lactating women need MFMs to have a safe pregnancy and to be able to breastfeed successfully. These women and their families are led into thinking they need a special diet which would be fulfilled by MFMs. These messages are far from the truth and they compete unfairly with breastfeeding campaigns that work hard to show women that breastfeeding comes naturally and that given the right support, every woman can breastfeed.

Trends in the baby food and diaper markets around the world – Nielsen, 2015

“Becoming a parent can be daunting endeavor; guidance from trusted advisors is incredibly valuable. When it comes to advice about the best baby food/formula information for their little ones, who do new parents turn to most? The short answer: family and friends, cited by 44% of global respondents.

Consumers aren't just relying on their circle of friends and family; recommendations of health experts are also highly influential. 36% percent of global respondents say they learned about foods/formula from a baby health expert, and nearly as many (34%) say these opinions influenced their purchase decisions.

Product endorsements from doctors, hospitals and healthcare professionals can hold tremendous clout with parents.

TV ads are also an important source of information, but their influence on decision-making is notably lower. One-third of consumers say they learned about baby foods through a TV ad, but less than one-quarter (23%) say this source influenced purchasing, a 10-percentage point difference.”

<http://www.nielsen.com/content/dam/nielsen/global/jp/docs/report/2015/20150829%20Global%20Baby%20Care%20Report%20Revised%20FINAL.PDF>

PRODUCTS

HiPP Organic Combiotic
HiPP Organic / Bio
HiPP Organic Good Night

LOGOS & ICONS



GENERAL INFORMATION

HiPP started out in the late 19th century when Joseph HiPP produced and sold baby food made of rusk flour in his bakery. The growing popularity of the product prompted his son, Georg, to found the HiPP company in his hometown of Pfaffenhofen, Germany in 1932. Today, the family-owned business is managed by grandchildren Claus and Paulus HiPP with family members from the fourth generation.

HiPP has expanded its product range to over 280 products covering baby milks, cereals, beverages (baby water, tea and juices), feeding products (bottles, cups, bowls, spoons) as well as teas and juices for pregnant and lactating women.

HiPP's lofty company slogan, "*The best from nature. The best for nature*" gives it an environmentally-friendly image and serves as a launching pad for the company to sweep violations under a "green" carpet.

The HiPP seal of organic quality found on the label of all products stands for "*purest quality*" something the owner Claus HiPP guarantees with his signature. No guarantee, however, is given on Code adherence in the 57 countries HiPP does business in. These include the Baltic States, Benelux, Bosnia, Bulgaria, Czech Republic, France, Hungary, Italy, Poland, Russia, Scandinavia, Slovakia, Slovenia, South Africa, Spain, Switzerland, Turkey, UK, Ukraine and Southern European countries. HiPP also exports its products to China, Vietnam and other Asian countries. HiPP is one of the two companies dominating sales of baby foods in Germany where its revenue stood at EUR 850 million in 2015.

HiPP's Ethical Charter lays down the company's Code of Conduct; a set of avowed "ethical" principles that has earned HiPP, the title of "*Germany's most sustainable company*", by WirtschaftsWoche, a business journal. Sadly, HiPP continues to neglect its responsibilities under the Code.

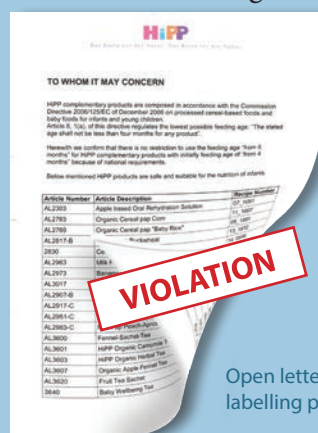
HiPP products covered by the scope of the Code:

- **HiPP 1** products indicated as suitable for use from birth onwards.
- **HiPP 2** from 6 months onwards.
- **HiPP 3** from 12 months onwards.
- Complementary foods recommended from 4 months.
- Infants teas indicated as suitable from the first week of life.

These age indications mean the products are breastmilk substitutes as defined under the Code and confirmed by the 2016 Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children (A69/7 Add.1). Promotion of these products should not be allowed following the minimum standard set by the International Code.

EU regional regulations and national measures on the marketing of breastmilk substitutes fall below the minimum standard set by the International Code and subsequent World Health Assembly Resolutions. Pursuant to Code Article 11.3, companies should regard themselves as responsible for monitoring their marketing practices according to the principles and aim of this Code, and for taking steps to ensure that their conduct at every level conforms to them. However HiPP considers itself to be governed only by EU regulations even when it is doing business outside of the EU.

In Armenia, the company even issued a letter to justify its labelling guidelines. The letter states that following EU Commission Directive



2006/125/EC on processed cereal-based foods and baby foods for infants and young children, there is no mention to use the feeding age “from 6 months” as required under Armenian law.

Open letter justifying HiPP's labelling policy.

HiPP fails to understand that EU laws do not apply outside the EU. The company is always governed by the laws of the countries it operates in and the Code applies as a minimum standard everywhere.

À la carte menu for babies.

HiPP offers a different meal plan to babies in the UK from the one offered to babies in continental Europe. The meal plans, purportedly to help mothers create a balanced diet for their babies during their first year of life, are said to be grounded on scientific research and the company's experience. Apart from the uniform recommendation for the introduction of solid foods to start at 4 months (contrary to WHO recommendations), the number of feeds babies need in one day is different.

- In the UK, the 3-day meal plan recommends that four-month-olds be given five feeds per day - three of complementary foods and two of baby's usual milk.
- In Austria, Bosnia, Bulgaria, Croatia and Serbia, the general meal plan is for infants aged four to six months old to be given four milk feeds, (breastfed or bottle-fed) and only one complementary food meal at lunchtime. Infants are allowed to be given ‘baby water’ and teas from birth if an increased intake of fluids is needed due to sweating or illness.

Baby's dietary details

Age: 4 months
Dietary Requirements: None
Your baby's meal plan below. Please click on the recipe names for specific product information.

[Create another plan](#) [Email](#) [Print](#) [Save as PDF](#)

	Day 1	Day 2	Day 3
On waking	Baby's usual milk	Baby's usual milk	Baby's usual milk
Breakfast	Bananas & Baby Rice	Mango, Apple & Peach 100% Fruit	Banana & Peach Breakfast
Main Meal	Tasty Vegetable Risotto	Baby Rice	Cottage Pie
Tea	Cheesy Spinach & Potato Bake	Sweet Squash, Sweetcorn & Peas	Mixed Vegetable Medley
Evening	Baby's usual milk	Baby's usual milk	Baby's usual milk

An example of a 3-day plan for a 4-months old baby from the UK. Complementary foods are recommended for three out of five meals.

Empfohlene Mahlzeiten nach dem 4. bis 6. Monat *

1. + 2. Beikost-Woche 3. + 4. Beikost-Woche

Mahlzeit	1. + 2. Beikost-Woche	3. + 4. Beikost-Woche
Morgens	oder HiPP PRE oder HiPP 1	oder HiPP PRE oder HiPP 1
Vormittags bei Bedarf	oder HiPP PRE oder HiPP 1	oder HiPP PRE oder HiPP 1
Mittags	Gemüse	Früchte in Neutrenn
Nachmittags	oder HiPP PRE oder HiPP 1	oder HiPP PRE oder HiPP 1
Abends	oder HiPP PRE oder HiPP 1	oder HiPP PRE oder HiPP 1
Zu den Mahlzeiten und zwischendurch	Ba. Bio-1	Ba. Bio-1
Bei Allergierisiko	oder HiPP PRE oder HiPP 1	oder HiPP PRE oder HiPP 1

This meal plan promoted to mothers in various countries in continental Europe is different from the one in UK. Complementary foods are only recommended once a day. HiPP baby water and teas are recommended from birth.

PROMOTION TO THE PUBLIC AND IN SHOPS

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.
- **Article 5.3** of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.

The 2016 Guidance on Ending Inappropriate Promotion of Foods for Infants and Young Children (A69/7 Add.1), contains a number of implications for the Code. Among them are –

- Clarification that follow-up formula and growing-up milks fall under the scope of the Code and should not be promoted.
- Recommendation that messages on complementary foods should always include a statement on the need for breastfeeding to continue through 2 years and that complementary foods should not be fed before 6 months.
- Recommendation that the labels and designs on products other than breastmilk substitutes need to be distinct from those used on breastmilk substitutes to avoid cross promotion.

- Special deals such as ‘Buy 2, Get 3’ are offered for jarred fruit puree meant for four-month-old infants.



- **HiPP Pre** and **HiPP 1** infant formula milks are promoted in shops with free samples of **HiPP Organic Fennel Tea** – encouraging the early use of infant teas.



Teas nicely tied to **HiPP** infant formula milks to encourage early use.

- In Armenia,
 - Contrary to the national law and global recommendations, HiPP promotes its complementary foods as suitable for infants from 4 months; its infant teas from the first week of life.

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HiPP says it's organic fennel tea is sugar free but babies aged 1 week and above require no additional fluids if they are breastfed.

- In Austria, **HiPP Combiotic** growing-up milks are promoted as “top-seller” products. Free gifts are used as a sales inducement.



Each pack comes with a free drinking cup.

- In Netherlands, the headline of a full-page ad featuring Anni Friesinger, speed skater and former Olympic champion, states - “As a mother, she trusts **HiPP**”. As **HiPP** ambassador, the former Olympic champion endorses **HiPP**’s organic baby milks with high praises. One picture in the ad shows Anni Friesinger bottle feeding her youngest daughter with **HiPP 2 Combiotik** and while another picture shows her offering her toddler a feeding cup. Pack



shots of **HiPP** products are cleverly placed in the pictures and the **HiPP** name and logo appear on feeding accessories such as the feeding-bottle, cup and bib.

This ad appears in METRO, a free newspaper available to commuters on trains throughout the Netherlands.

- In Moldova,

- A variety of **HiPP** products is advertised in a famous talk show called “*Dr. Komarovsky’s school*” which hosts live classes on infant nutrition and health. During the show, mothers are shown feeding **HiPP** complementary foods to their children (wearing **HiPP** bibs) . **HiPP Combiotic** milks are presented with various nutritional claims (pre & probiotics) and products such as **HiPP** cereals, purees and juices are placed in strategic places to remind audiences at home who the sponsor of the programme is.



Dr. Komarovsky promotes **HiPP** products to his audience.

Claims accompanying **HiPP 3 Bio Combiotik** promotion include :

- Omega 3: “Important for brain and nerve cells”
- Iron: “Promotes blood and mental development”
- Vitamin D: “Helps the intake of calcium which is important for bone building”

- 7% discount is offered for various **HiPP** products including cereals- suitable for infants below 6 months, **HiPP fennel baby tea**- suitable from the first week and **HiPP Organic Herbal tea** - suitable for 4-month old infants.



No products for infants below 6 months should be promoted.

- This cute smiling baby fronts the cover of a **HiPP** leaflet, advertising **HiPP Fennel Tea** as tooth-



friendly and suitable from the first week on. The picture of Claus HiPP and his son Stefan are shown with their signatures to guarantee **HiPP**’s commitment to sustainability and production of high quality organic products.

Men and babies with toothy smiles make good ambassadors but the adults are Code violators.

- In Poland,

- **HiPP 2 BIO Combiotik** is promoted on Facebook as containing natural culture of lactic acid bacteria originally found in human breastmilk. This statement establishes a strong similarity between breastmilk and the product. This “*natural ingredient*” is said to prevent infections and described as one of many other natural ingredients that make **HiPP** milks special.



This happy healthy baby is the face of **HiPP** follow-up milk.

- A video promotes the easy and quick way of purchasing various **HiPP** products on Allegro, a HiPP authorised online shop, by showing a mother ordering **HiPP** products while taking care of her baby in the comfort of a relaxing environment.



HiPP heralds the era of modern online shopping .

- In another video, a happy mother praises **HiPP 2 Bio Combiotik** follow-up milk by explaining how satisfied her baby is since she started drinking **HiPP** follow-up milk. The product is said to be endorsed for its satisfying effect by 97% of all mothers interviewed.



A subtitle invites viewers to order free samples of the product online at www.HiPP.pl.

- **HiPP 2, 3 and 4 Combiotik** milks "tailored for the age and stage of development of the growing-up child" are advertised in one single Facebook post. A footnote states, "*Breastfeeding is the best and cheapest form of infant feeding*". Describing breastfeeding as cheap belittles and undermines its attributes, most importantly, as free and natural form of infant feeding.



Why stick to one product when you can promote three at the same time?

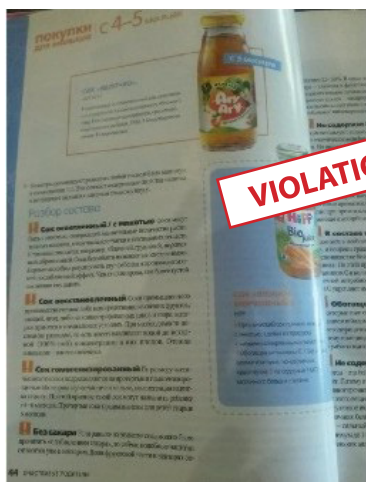
- Special deals are advertised via Facebook postings in Lidl, a German owned - discount supermarket. The special offers include a variety of products such as **HiPP 2 Bio Combiotik** and **HiPP** complementary foods for infants below 6 months.



- Offers include -
- Buy 2 boxes of **HiPP 2 Bio Combiotik** and get one milk storage box for free.
 - Buy 3 get one free.

■ In Russia,

- A parenting magazine advertises **HiPP** juices as suitable for infants aged 4 months, clearly undermining the global recommendation for 6 months of exclusive breastfeeding.



In Russia, like the rest of Europe, marketing standards fall below the minimum standard set by the Code.

- A special weaning starter pack promoted in an online shop encourages early introduction of solid foods. Discount coupons, bibs (bearing the HiPP mascot for formula products) and spoons are included in the package.



The elephant on the bib is a clear example of cross promotion.

- **HiPP Comfort Special Formula** advertised on Facebook advises mothers to use the product if their babies experience tummy problems. HiPP claims the product supports digestion and is able to prevent colic and constipation.



The smiling elephant embodies satisfaction and well-being.

- In a video, HiPP uses statistical results to impress and convince mothers of the effect of its **Combiotic** milks. A survey concluded that 10 out of 10 mums (or 97% of 255 mums) agreed that their babies “seem happier on **HiPP Organic** milk”. HiPP’s use of statistics marks a new marketing strategy which is effective even though the results are likely to be based on highly biased evidence.



“Babies seem happier” is not only dubious but is also a statistically insignificant conclusion.

■ In the UK

- Special offers on the HiPP Facebook page promise to “make your pennies go further”.



Money left for the piggy bank when you buy HiPP.

- HiPP entered into the league of serious Code violators when it partnered with NUK, a producer of bottle and teats and well known Code violator, to cap its bottles of liquid organic infant milk with latex-free NUK teats. The HiPP - NUK ready-to feed bottles are then packaged into a practical starter pack kit for infants for mothers on the go.

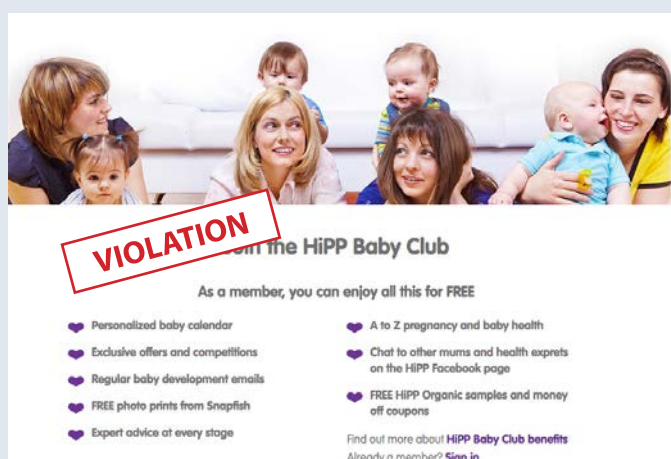


HiPP Organic First infant milk starter pack kit

Two code violators combine forces to target mummies on the go.

Welcome to the Club

Mothers around the globe are encouraged to join the HiPP Baby Club. Numerous benefits including free product samples, discount coupons and gifts are used as incentives to attract new members. The club is touted as a high-standard service that parents can fall back on anytime around the clock by email, Internet, telephone or fax. It is promoted as an online portal providing advice on infant nutrition and development by HiPP employees but in actual fact, such clubs operate to facilitate contact with mothers, a practice prohibited by the Code.



Baby Club in the UK offers a long list of benefits and services.



Free membership – The HiPP Baby Club in Austria promises many privileges.

Baby Club members in Russia are encouraged to participate in picture competitions to win exclusive prizes.

News from Asia

- In Hong Kong, there are tournaments for parents and children to win HiPP products. Even young babies are allowed to get involved.



Fun and games to draw the crowd.

- In the Philippines, HiPP co-sponsored an initiative called Project Mom, which offers resources and fun activities for mothers. Events include get-togethers and weekend getaways for mothers to rejuvenate. Project Mom also holds seminars on nutrition for women (pregnant and lactating) and their babies. In one such event, a special celebrity guest and a beauty consultant were invited to share their secrets on how to maintain a healthy body image.

A health professional giving a talk during the event, courtesy of HiPP.



PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

- **Article 6.2** bans the promotion of products within the health care system.
- **Article 6.3** prohibits the display of products, placards and posters or the distribution of company materials unless requested or approved by the government.
- **Article 7.3** provides that there should be no financial or material inducement to health workers to promote products.
- **WHA resolutions 58.32 [2005] and WHA 65.60 [2012]** call on countries to ensure that financial support and other incentives for programmes and health workers do not create conflicts of interest.

- In Armenia, HiPP uses healthcare facilities as a venue to promote its name. Calendars, clocks, watches, storage tins and pens, bearing the HiPP name and logo find their respective spots in doctors' offices and further around. Mothers are bound to see these HiPP materials as a form of medical endorsement of the products.



Innocuous stuff but they influence minds.

- In Austria, free milk storage boxes imprinted with HiPP's name and logo as well as the mascot elephant are available in the waiting room of a paediatrician's practice. Next to the containers, promotional brochures on HiPP products and the **HiPP Baby Club** are offered to parents.

One leaflet entitled “*Breastfeeding and the Time After*” shows how HiPP repeatedly undermines the recommendations for exclusive, continued and sustained breastfeeding by advertising its entire product range with slogans like “*The right milk for every stage*” or “*Baby food – following the example of nature*”.

The brochure on HiPP Baby Club encourages mothers to join with promises of free gifts including a variety of foods, suitable for babies below 6 months, toys, care products etc.



HiPP promotional materials available from a doctor's office.

- A HiPP information board, found in a doctor's examination room, is strategically placed next to a padded platform where mothers prepare their infants for examination by the doctor. The title on the board promises that products are following the example of nature.



Product recognition - The smiling elephant mascot, found also on all HiPP formula labels, introduces the entire range of HiPP formulae. If the implicit endorsement of the doctor does not work for mothers, the elephant will do the trick.

- A calendar with the slogan “The best from nature. The best for nature” is seen in a doctor’s office next to a framed poster (watch out - hot!) about a safety campaign. Both bear the HiPP name and logo.



There are many ways to sneak the HiPP name and logo into health facilities.

- In Croatia, HiPP often sponsors professional conferences and will have booths to display products and promotional materials. Banners promoting HiPP products can be seen at these events. Conference participants will be given product related materials as part of HiPP’s promotional strategy.



Large banners promoting various HiPP products.



One of many booklets is distributed to conference participants advertises HiPP Combiotic 1 & 2.

- In Germany, HiPP Bio Combiotik is advertised in “Praxis Ratgeber” brochures that offer practical parenting guides for mothers. The ad states that HiPP Organic Combiotik contains important nutrients, natural lactic acid cultures and prebiotic fibres for baby’s healthy digestion. Inside the brochure, a write-up discusses healthy intestinal flora and the research and clinical trials undertaken by HiPP to develop a new generation of formula modelled on nature. These brochures are normally found in doctors’ waiting rooms and are endorsed with the words, “your personal copy” so mothers can bring them home.



Ad on the back cover extols 50 years of top quality HiPP products... and the latest in the range; modelled on nature after extensive research and clinic trials.

Inside the brochure - promotional content.

- In Moldova, health professionals are given stationaries such as note blocks, pens and post-its pads, all bearing the HiPP company and brand name. One slogan in English states, “*For the most valuable in life*” – simple, yet open to different interpretations.



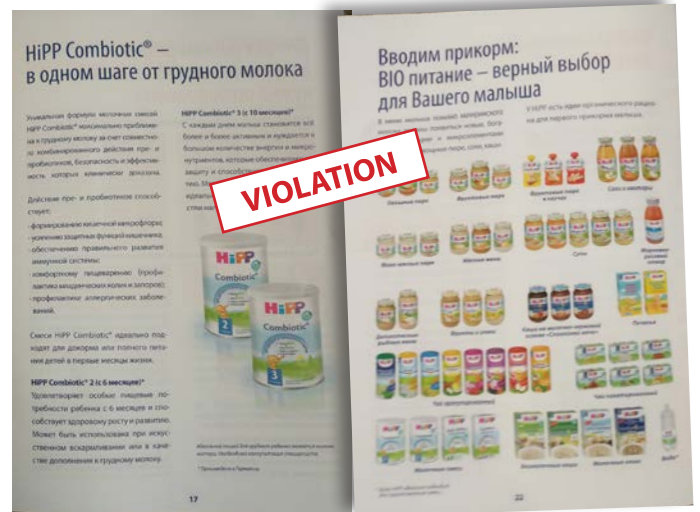
Social research shows that inexpensive items like these can influence prescribing behaviour.

- In Russia
 - A health workers give mothers a care package when they leave the maternity hospital. Among other things, the package contains samples of **HiPP** jarred complementary foods for 4-month old infants, a HiPP bib as well as a HiPP spoon, thus encouraging too early weaning.



Off to a good start for HiPP but not so good for exclusive breastfeeding.

- In Saint Petersburg, HiPP distributes booklets in the maternity unit of a hospital. Entire pages are reserved for promoting a variety of products, including **HiPP Combiotik** follow-up formula and growing-up milks. Infant teas and water are promoted from birth and complementary foods from 4 months.



Information booklets are flooded with promotional text and pictures of **HiPP** products. Distributing them in a hospital is a double Code violation.

LABELLING

- Article 9 of the Code requires labels to NOT discourage breastfeeding and inform about the correct use of the product, the risk of misuse and abide by a number of other points.

- WHA 58.32 [2005] and 63.23 [2010] prohibit nutrition and health claims unless allowed in national legislation.
- The Guidance on Inappropriate Promotion of Foods for Infants [A 69/7 Add.1] requires that labels include a message about the appropriate age of introduction of the food which must not be less than 6 months of age.

- In Armenia, as well as other European countries, HiPP tea is labelled as suitable for babies from the first week. For a variety of other complementary food, HiPP persists in labelling them as suitable from 4 month onwards.



HiPP Organic Camomile Tea suitable from first week on.

- In Austria and Germany, HiPP Baby Springwater is labelled as suitable from birth. It is promoted as crystal clear spring water, ideal for the preparation of infant formula, teas, porridge etc.

Breastfed babies under six months do not need water and promoting it is not allowed by the Code. HiPP continues to disregard the Code and other WHA resolutions by advertising its BABY water.

The product is also available in Hong Kong.



Baby Quellwasser

Unnecessary and expensive, this products undermines exclusive breastfeeding.

- In Luxembourg, the HiPP 3 Combiotic growing-up milk is labelled as suitable from 10 months to 3 years. This age indication was brought to the attention of the government, which responded in writing that the national law prohibits the labelling of growing-up milks below 12 months.



Parents are encouraged to buy two 6-packs to get one more pack for free. The bottles can be easily transformed into feeding bottles.

Bon Appetit

- In an online shop targeting Chinese consumers, HiPP promotes organic rapeseed oil for preparing baby foods and assures consumers that the product is suitable for 4-months old infants. The high Omega-3 content is said to be important for an infant's brain and nerve cells. The oil is also promoted to be "one of the best vegetable sources of Omega-3 fatty acids", which, when "used in baby food, is mild enough to not affect the taste of the food."



HiPP elephant mascot disguised as a chef to showcase his delicious concoctions.

Mother Nature Meets Science

Breastmilk is presented as the gold standard and said to be the benchmark against which **HiPP** baby milks are continuously measured. The company repeatedly attempts to establish similarities between breastmilk and **HiPP** baby milks by highlighting similar nutritional components. Ingredients like *Omega 3 & 6 LCPs (DHA & AA)*, *prebiotic oligosaccharides (GOS)*, nutrients which are also found in breastmilk, are always highlighted. In some countries, **HiPP Combiotic** milks are even advertised to contain a natural culture of lactic acid bacteria originally acquired from human breastmilk. Idealising slogans such as “*Science and nature hand in hand*” and “*Following the example of nature*” appear on various promotional materials implying similarity with breastmilk.



In Russia, **HiPP Combiotic 1** is advertised with the slogan ‘*We took the best from the breastmilk*’. The label contains several claims based on components also found in breastmilk such as pre- and probiotics and ARA/ DHA.

Like other companies, HiPP pretends to be an advocate of breastfeeding. Its website gives advice on breastfeeding and updates consumers about the latest scientific updates on benefits of breastmilk and its unique biological components. It is, however, strikingly evident that the company is eager to mention only those components which are also found in **HiPP** products.



HiPP Baby Milk
Learning from the b



Play of words - While the Combiotic infant formula in Germany is formulated “*following the example of nature*”, the British version is a product “*based on science that goes hand in hand with nature*”.

For ravenous and sleepless babies

In the UK, a specially formulated infant formula, **HiPP Combiotic hungry infant milk**, is promoted for ‘*extra hungry babies*’. The product is presented as a nutritionally complete, casein-based, gentle infant formula, suitable for feeding from birth onwards. It is formulated to satisfy ‘*extra hungry babies*’ for a longer time than with ordinary whey-based infant formula.



Slow digesting proteins for hungry babies.

HiPP also offers a variety of **Good Night** products. Indicated as suitable for babies from 6 to 36 months, this formulated blend of creamy follow-on formula and gluten free cereals is promoted as an ideal meal to end the day. HiPP promises that the product will help babies have a peaceful and pleasant sleep the whole night.



HiPP’s elephant mascot embodies a good night sleep after a heavy meal in this German ad for the “*Good Night Bottle*”.



In the UK, the good night milk promises to be especially satisfying.

Editorial Note: The UK scientific committee on nutrition could not identify any scientific evidence that shows “good night milks” offer any advantage over the use of ordinary formula.

Instead, the Committee warned of the risks of parents being led to believe that it is desirable for babies to sleep longer despite variations in sleeping behaviour. There is also a risk that mothers may use the product on occasions other than bedtime to settle their babies.

LOOK WHAT THEY'RE DOING IN VIETNAM



- In 2014, Viet Nam adopted a comprehensive decree on the marketing and use of breastmilk substitutes. The Decree bans advertising of breastmilk substitutes for infants and young children up to 2 years and imposes various restrictions pertaining to information and education as well as on labelling. There is also a duty imposed on health care facilities and on health workers to promote breastfeeding.

Despite the fact that the Vietnamese Decree applies to a full range of feeding products for young children up to 24 months, HiPP still applies inappropriate marketing strategies to promote its entire product range of baby foods.

Elephant mascot takes centre stage

- The Facebook page of HiPP Vietnam is flooded with postings promoting **HiPP Combiotic** milks including infant formula and follow-up milk. The terms '*Probiotics* and *Prebiotics*' are promoted as a great mix for healthy guts without explaining what these nutritional components consist of. In most cases, the smiling elephant mascot is present to depict a happy healthy infant at different stages of development.



Cheering **HiPP Combiotic** milks for their exceptional ingredients.



Bubbles around **HiPP Combiotic** milks illustrate the benefits of **Pre** and **Probiotics** composition on the digestive system.

Product placement

- HiPP places packshots of its products on Facebook and encourages fans to post videos of their children next to **HiPP** products, allowing the company to advertise its products at no cost. With more than 120,000 followers, HiPP can show the public's endorsement of its products. As fan uploads are only visible to the public with the authorisation of the page administrator HiPP is complicit in the promotion of its products.



(Left) With a little help from modern technology, HiPP transposes **HiPP 1 Combiotic** infant formula into a fan's original video. (Right) This picture of a baby beside **HiPP 2 Combiotic** follow-up milk is uploaded by a fan but it can only be viewed by the public if HiPP allows it.

HiPP - All day long



- By promoting various complementary foods for 4-months old infants, HiPP disobeys international recommendations and violates the Vietnamese Decree which applies to all products marketed to babies up to 2 years of age. Milk porridges are promoted for all day consumption while **HiPP Good Night** products are advertised as supporting better and longer sleep for babies with slogans such as “Nutrition helps her sleep”.



A clear case of cross-promotion - the elephant mascot that appears on formula labels is shown holding a feeding bottle on this complementary food ad. The colourful **HiPP** company name has become a logo promoting all products.

Happy Together Days

- HiPP regularly organises public events featuring highly regarded experts on nutrition whose names are published in the invitations to attract parents. Parents are invited for face-to-face consultation sessions and there are fun activities available for children 0-5 years. The venues for these events are normally turned into fun arenas with festive HiPP decorations, slogan and ads. These events are announced and promoted on HiPP online platforms.



A medical doctor giving nutrition advice. HiPP promotional pictures are on display.



Play area to keep children occupied while parents are courted by HiPP.

Parents cheer as babies participate in crawling competition.

HiPP product tasting - teas, juices, milks whatever.

MEAD JOHNSON

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

Mead Johnson Global
Headquarters

225 North Canal Street
25th Floor

Chicago, IL 60606 USA

<http://www.meadjohnson.com/>

BRANDS

COVERED BY THIS REPORT

Enfagrow
Enfamil
Enfapro
Nutramigen
Lactum

LOGOS



GENERAL INFORMATION

Mead Johnson Nutrition Company (MJN) has a singular focus on paediatric nutrition with its flagship “Enfa” line throughout the world. Although business has been declining for the past two financial years, net sales for 2016 were approximately USD3.7 billion (down from USD4.1 billion in 2015)

MJN markets its 70 over products to mothers, health care professionals and retailers in more than 50 countries in Asia, Latin America North America / Europe which represented 50%, 17% and 33%, respectively, of MJN’s net sales for the year ended December 31, 2016.

MJN’s financial results in 2016 were affected by weaknesses in many economies throughout Asia and Latin America and the strong U.S. dollar.

By any means necessary, MJN tries to reach all potential buyers with its products types.

1. *Routine infant* - for healthy, full-term infants without special nutritional needs both for use as the infant’s sole source of nutrition and as a supplement to breastfeeding. This range of formula products include **Enfamil Premium**, **Enfamil A+**, **Enfalac Premium** and **Enfapro A+**. In certain countries, MJN have introduced a premium-priced product (**Enfinitas** in China and **Enspire** in the United States).
2. *Solutions* - for infants with common feeding tolerance problems, including spit-up, fussiness, gas and lactose intolerance such as **Enfamil Gentlease** (for fussiness and gas), **Enfamil A.R.** (to reduce spit-up), **Enfamil ProSobee** (a soybased formula) and **Enfamil LactoFree** (for lactose intolerance).
3. *Specialty* – for infants with special nutritional needs. To address certain conditions or special medical needs like **Nutramigen** (for cow’s milk protein allergies)
4. *Children’s nutrition* - to meet the nutritional needs of children at different stages of development such as **Enfagrow**, **Sustagen** and **Lactum**.
5. *Other* - maternal nutrition products, vitamins, supplements and oral electrolyte solutions for infants and children

The *Enfa* family of brands, including **Enfamil** infant formula, accounted for approximately 80% of net sales. A recurring theme for MJN’s promotion is **360° Mind Plus** which focuses on the brain as the command centre for the development of intellectual, motor, emotional and cognitive skills.

On February 10, 2017, MJN announced that it reached an agreement to be acquired by *Reckitt Benckiser Group plc (RB)*, a UK based consumer health and hygiene company.

As a result of this transaction, MJN will become a new division of RB with its *Enfa family* and **Nutramigen** brands joining RB's portfolio of consumer health brands.

The transaction valued at approximately USD 17.9 billion was unanimously approved by the MJN Board of Directors. Closing of the transaction is subject to approval by shareholders of both MJN and **RB** and regulatory authorities. It was expected at the time of the announcement to occur during the third quarter of 2017.

The merger may now be stalled because of a pending law suit by an MJN stockholder claiming breach of fiduciary duties by MJN's board of directors in brokering the deal.

How much MJN spent in advertising and promotion

The figures below show it is not cheap to break the rules but the returns are worth the expense.

Advertising costs incurred were USD223.8 million, USD218.7 million, and USD206.2 million respectively, in the years 2016, 2015, and 2014, .

There was increased spending of USD28.0 million in Asia, as investments were made to increase consumer awareness of **Enfinitas**. Another amount of USD37.2 million was spent on enhanced digital presence and support of channel investments in China alone. This increased expenditure on advertising and promotion was offset by lower investments across other Asian markets, Latin America and North America/Europe.

Update on 2017

While MJN continues to face challenges across the business, it remains on track in China in the first quarter of 2017. New products sell well there with more online marketing.

The Code is bad for business

In its 2016 Annual Report filed with the US Securities and Exchange Commission, MJN was candid in assessing its business risks in the face of declining sales. It states - "*Our business is subject to anti-infant formula policies and legislation in various jurisdictions, many of which may impact our operations and effectiveness*".

The Report explains that certain governmental and non-governmental organisations in Hong Kong, Mexico, the Philippines, Thailand, Malaysia, Vietnam, Indonesia, Colombia and Singapore have advocated for heightened controls on promotion, labelling and sale of products. Restrictions on trademarks, interactions with health care providers and bans on claims are identified as business risks.

The 2016 WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children was also seen as restricting promotion. MJN together with other industry participants were unable to persuade WHO to modify its guidance to favour industry positions.

According to MJN, its success depends largely on its ability to effectively communicate its "*science-based benefits*" to its consumers. Any restrictions or prohibitions in that respect could have an adverse effect on MJN sales, profitability and market share.

It is refreshing to see a company admit that the Code and the Guidance do impact its business. Too often, companies only talk about how they support breastfeeding when the evidence shows them working to undermine the Code which seeks to protect breastfeeding.

At least, the above risk assessment is honest. In a statutory filing to US regulators and investors who are averse to being misled, MJN cannot lie.

PROMOTION TO THE PUBLIC AND IN SHOPS / LABELLING

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.
- Article 5.3 of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.

- **Article 9** of the Code requires labels to NOT discourage breastfeeding and inform about the correct use of the product, the risk of misuse and abide by other points.
- **WHA 58.32 [2005]** and **63.23 [2010]** prohibit nutrition and health claims unless allowed in national legislation.
- **The Guidance on Inappropriate Promotion of Foods for Infants [A 69/7 Add.1]** requires that labels include a message about the appropriate age of introduction of the food which must not be less than 6 months of age.

■ In Canada,

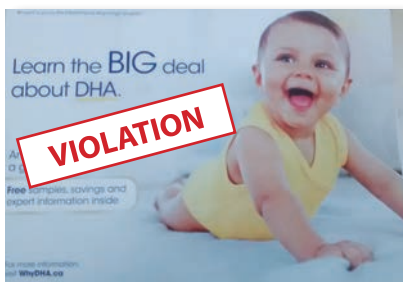
- Coupons offering savings between CAD 5 - 10 for the purchase of **Enfamil** & **Enfapro** formula products are download-able from a Canadian online shop. Customers can redeem the coupons at selected stores in Canada. These coupons are effective in attracting customers looking for bargain.

Canadian Coupons: Save \$10 On Enfamil A+ Ready to Feed Formula *More Rewards Printable Coupon*



Not cash but saving money. Printable Coupons available for **Mead Johnson**

- A mother's personal information was shared with Mead Johnson without her knowledge or consent, when she signed up with a clothing shop. A gift package was then delivered by Mead Johnson Nutrition to her home with the following messages on the package - "from our family to yours"



The BIG deal is a gift from **Enfamil's** family.

and "Learn the BIG deal about DHA". The package contains a copy of "Your New Baby" **Enfamil** magazine, which features a write-up on DHA (Omega-3, found in **Enfamil** formula products). Also in the box are **Enfamil A+** and **Enfamil A+ Gentlease** formula samples and coupons for purchase of more of these products.



This **Enfamil** baby guide promotes DHA, an ingredient in **Enfamil** products.

Small samples: as easy as it can be - Getting baby hooked on formula one feed at a time.

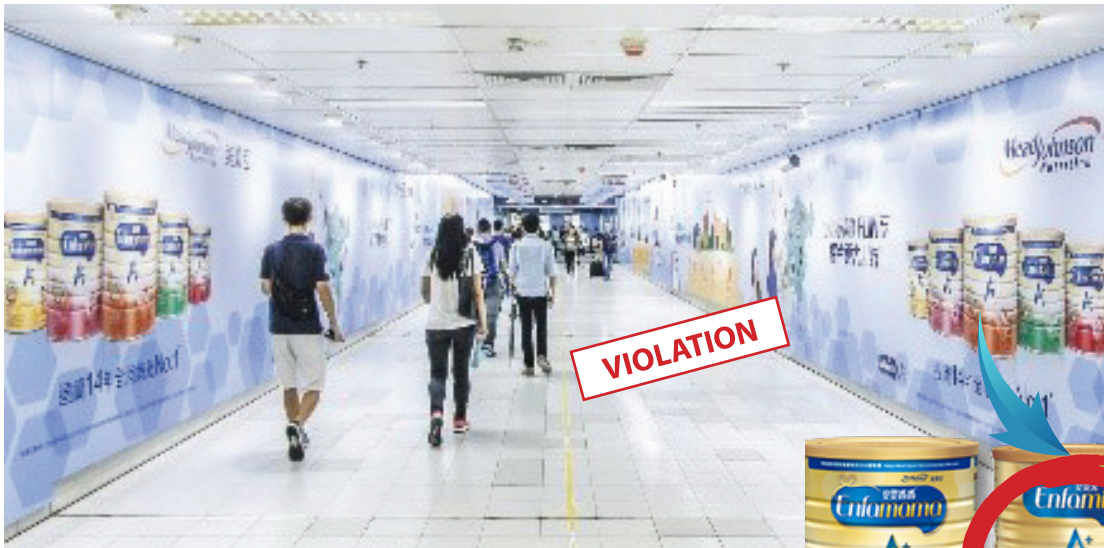
- In Germany, an advertorial in the pharmacy magazine "Baby and Family", glowingly introduces MJN's **Nutramigen** LGG Lipil as an ideal special food that "will help your child to overcome cow's milk allergy faster". Instead of explaining that breastmilk would prevent cow's milk allergy, the ad stresses the prevalence of cow's milk intolerance and the difficulty of feeding children lactose-free milk in nurseries.



This advertorial in a local pharmacy magazine promotes **Nutramigen LGG Lipil** as "smart nutrition from the beginning".

■ In Hong Kong

- The full range of **Enfa** products is advertised along the corridors of a metro station.



(TOP) Commuters are invaded by MJN products from both sides of this passageway. Products circled and enlarged are breastmilk substitutes and should not be promoted

- Apart from the **Enfa** family of products Hong Kong subways are also flooded with the premium price **Enfinitas** formula products that MJN just recently introduced to the Chinese market.



Promotional blitz on MJN's latest formula brand - **Enfinitas** - goes underground into metro stations. These products are "inspired by moms".



- Calling for 360 star mummy or celebrity
- If you like sharing parenting tips, register immediately
- Interactive chat-chat on parenting tips
- Mummy transformation bloggers
- Free milk powder
- BB Birthday surprise
- No.1 sales for 12 consecutive years in Hong Kong



This all-in-one platform brings user engagement to a whole new level as it builds up a team of 'brand ambassadors' for MJN products. Occasionally these 360 mums get together to party.

- A new initiative recruited "360 supermoms" to form chat groups on specific parenting topics through the mobile WeChat app. The chatrooms are hosted by company representatives and 'brand ambassadors' known as 360 mums who share tips on their feeding concerns. The main product advertised is **Enfagrow A+** but other formula products like **Enfamil** and **Enfapro** are also featured. These chat rooms are popular because members enjoy a number of perks and benefits.

- In India, the label of **Enfamil** promotes other formula products.



Even in India where there is a strong law, promotion is on the label.

- In Poland, MJN partners with “Bezpieczny Maluch” (Toddler Safe), a nation-wide Polish educational campaign which offers workshops on child safety in major Polish cities. These events target pregnant women, young parents and medical workers and incorporate topics around first aid. The **Enfamil** brand name is prominently displayed at Toddler Safe events.



Paramedics teaching first-aid on a stage with **Enfamil** as a backdrop.

- In Singapore,
 - A motherhood magazine advertises **Enfamil A+ Stage 2** as containing “360° DHA Plus” that are “important building blocks for brain and eye development”.



The product is described as containing a unique patented blend of Polydextrose (PDX) and Prebiotics (GOS) which stimulates the growth of intestinal flora to maintain a healthy digestive system.

- Yet another ad promotes its “Ready-to-Use” **Enfamil A+ Stage 2** with the slogan “*Precise Nutrition in Every Drop*”. The emphasis here is on how the product is scientifically formulated with DHA & ARA, important building blocks for brain and for eye development and choline for overall mental function. The ad claims, that children can get “the same nutritional goodness every time at home and on the go” as no reconstitution necessary and variation in feed preparation is minimised.



This special display counter, shaped like a feeding bottle, not only promotes **Enfamil** but normalises bottle feeding.

Emphasising the convenience of “just shake, pour and feed” of **Enfamil A+ Stage 2 Ready-To-Use**.

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

- **Article 6.2** bans the promotion of products within the health care system.
- **Article 6.3** prohibits the display of products, placards and posters or the distribution of company materials unless requested or approved by the government.
- **Article 7.3** provides that there should be no financial or material inducement to health workers to promote products.
- WHA resolutions **58.32 [2005]** and **WHA 65.60 [2012]** call on countries to ensure that financial support and other incentives for programmes and health workers do not create conflicts of interest.

- In Colombia, **Enfamil Premium 2** samples are given to a mothers in health institutions in Bogota. Stickers on the samples state that the products are for professional evaluation and are not for sale but feedback from mothers is not required. Product labels contain claims about components that support mental development in **Enfamil**.



Unsolicited samples with promotional labelling for mum; given on the pretext of professional evaluation.

- In Singapore,
 - Like all other companies, MJN products make their presence felt in the maternity wing of a private hospital by providing gift hampers to new mums and their babies. The hamper includes toys and gifts bearing the **Enfa A+** logo found on all formula products. It does not matter if the mother has already receive gifts from other competitors to celebrate the arrival of her bundle of joy. A photography session usually follows with baby, parents and hospital staff proudly posing with the harvest of hampers from MJN and other companies.



Spoilt for choice - **Mead Johnson** comes courting (right) when **Abbott** is already fully installed by mum's bedside.

- MJN places the logo of **Enfamil A+ Stage 2** on nursing covers given to mothers upon their discharge from a hospital. The name of the name and logo of the hospital also appear on the cover and this can be inferred by patients to be an endorsement of **Enfamil** which may prompt new mothers to go for the brand should they consider switching from breastfeeding to bottle feeding.



Cover-up. A hospital and a baby food company using a nursing cover for breastfeeding to promote formula products.

PROMOTION OF GROWING-UP MILKS

The **Guidance on ending the inappropriate promotion of foods for infants and young children** issued by WHO in May 2016 reaffirms that breastmilk substitutes should be understood to include any milks that are specifically marketed for the feeding of infants and young children up to the age of 3 years including follow-up formula and growing-up milk.

Through this Guidance, it becomes clear that growing-up milks are covered by the scope of the Code and should not be promoted, something industry has been disputing for many years. This part of the report documents the way growing-up milks have been promoted by MJN, both before and after the Guidance was issued.

- In Canada, the description next to the **Enfagrow A+** toddler milk packshot on the **Enfamil** website starts by telling parents - "85% of brain growth is completed by age 3." **Enfagrow A+** is then promoted as "an everyday toddler nutritional drink with DHA, an important building block of the brain. Now with more DHA".



MJN tells parents not to miss the important time for DHA, a type of Omega-3 and an important building block of the brain.

- In Costa Rica, a billboard shows how **Enfagrow 3** goes straight to the child's brain and the claim for this "exclusive formula" is that it "**promotes complete mental development**". The same promotion is also found in magazine ads. In shops the promotional slogan is advertised inside shopping trolleys: "continues to support their mental development, now as well as in the preschool stage" and that it is "the number one brand recommended by paediatricians".



Enfagrow 3 goes straight to the child's brain ... never mind the stomach. The outrages ads were removed after complaints.

- In Ecuador, among the promotional items found in health facilities are **Enfagrow** samples, stationery, calendars, height charts and baby mats. They all bear the **Enfagrow** product name and owl mascot. In pharmacies, discounts are often given.



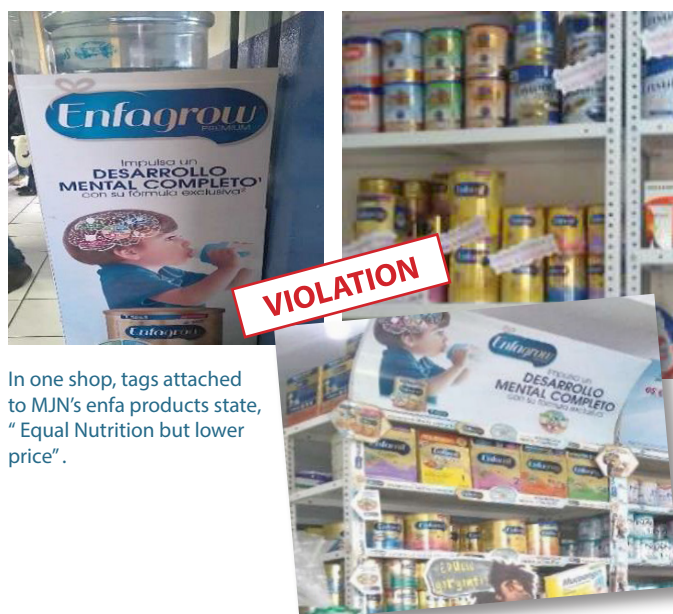
MJN leaves a trail of **Enfagrow** promotion in health facilities and in shops.

- In Guatemala,
 - A ring bind booklet on assessment of development milestones found in a health facility explains, through a number of claims, how the **Enfa** range of products provides “*Nutrition by Stages*”.



Many of MJN's promotional strategies are found in this booklet.

- The familiar **Enfagrow** ad on brain development are prominently displayed in shops.



In one shop, tags attached to MJN's enfa products state, “Equal Nutrition but lower price”.

- In Malaysia, a “health talk” hosted by MJN in a private hospital is themed “*Mummies Know Best*”.



To promote **Enfagrow**, one of the talks is about “*Essential Nutrition for Child in the first 3 years*” by a consultant pediatrician.

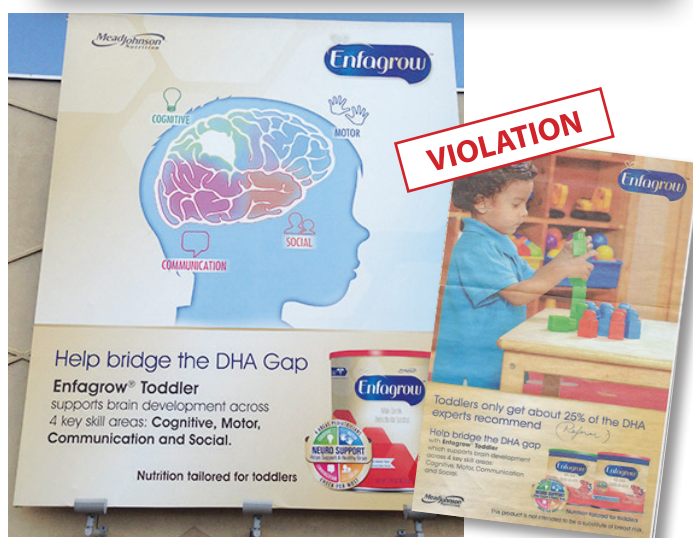
Enfagrow nutrition heads the list of topics discussed at this health talk.

- In Puerto Rico, MJN set up a tent to promote **Enfagrow** outside a children's theatre. As parents were queuing to enter the theatre, they were given samples of the product.



There is even a place for children to play at this booth while MJN captures their parent's attention on how to nurture their little ones.

- In Trinidad and Tobago
 - MJN's multi media promotional campaign for **Enfagrow** includes ads on billboards, in shops and in magazines. The common theme in these ads is that **Enfagrow** will “*help bridge the DHA Gap*” by supporting brain development across 4 key skill areas - “*cognitive, motor, communication and social*”.



In an **Enfagrow** ad appearing in the magazine supplement of local newspaper in Trinidad & Tobago warns parents that “toddlers only get about 25% of the DHA experts recommend” implying that Enfagrow is the answer.

- At a baby fair in Port of Spain, the **Enfagrow** name and logo appears at the back of the entrance ticket and on a carrier bag distributed to patrons upon entering the fair. **Enfagrow** flyers distributed at baby fair reminds parents that “85% of brain growth is completed by age 3” implying that they should not let the opportunity pass to feed their children **Enfagrow** to ensure they receive “proper nutrition and inspire them to learn”.



- A special package with a free cereal bowl is given for every purchase of **Enfagrow** while a shelf-talker promotes **Enfagrow** as providing “Neuro Support” to help support a healthy brain.

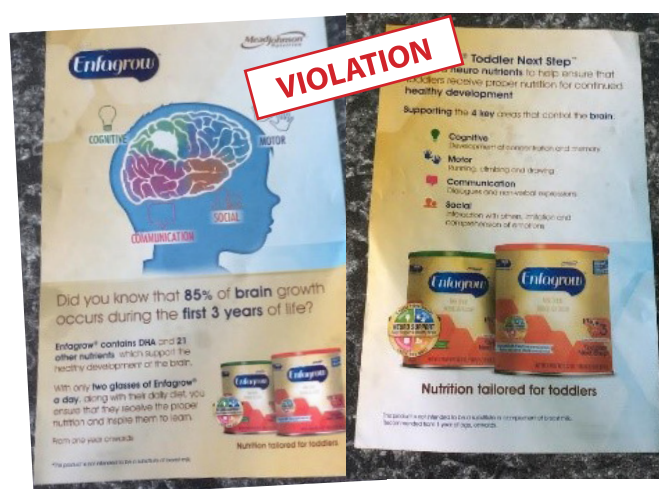
Under the Neuro Support shelf-talker, shoppers are encouraged to buy **Enfamil** infant formula to get two refill packs.



■ In Thailand, four different sets of **Enfagrow A+** 'non stop learning symphony fairy tale', each valued at 685 Baht per set, is given for free with the purchase of any **Enfagrow** product worth 1,650 baht.



Imagine the price mark-up if MJN can afford to give away such valuable gifts – valued at 40% of the price of the product.



All done in the name of supporting key areas that control the brain – with DHA and 21 other nutrients found in **Enfagrow**.

- At a private hospital, the **Enfagrow** name and logo is ever present, this time on a mounted baby changing table.



On the table, targeting mothers with young babies.

■ In Vietnam, MJN's campaign includes 'Brain Expos' with exhibits on the workings of the human mind to show how the traits of a genius could be unlocked with the help of **Enfagrow A+**.



The Genius brain can be built with Enfa's 360 degree Brain Plus.

Editorial Note: In May 2016, the World Health Assembly in WHA resolution 69.9 [2016] welcomed the Guidance on ending inappropriate promotion of foods for infants and young children. The Guidance confirms that breastmilk substitutes should be understood to include any milks that are specifically marketed for the feeding of infants and young children up to the age of 3 years including follow-up formula and growing-up milk.

Through this Guidance, it becomes clear that growing-up milks are covered by the scope of the Code and should not be promoted, something industry has been disputing for many years. This part of the report documents the way growing-up milks have been promoted by Abbott, both before and after the Guidance was issued.

LOOK WHAT THEY'RE DOING IN CHINA



Apart from its usual **Enfa** line of products, MJN has introduced, in 2016, its premium **Enfinitas** range in China. This range is to strengthen the company's competitiveness in the fastest-growing segment of its business in that country. **Enfinitas** is pitched as a high-end product with a new formulation said to be backed by extensive scientific research. MJN mounted an expensive promotional campaign which focusses on the *lactoferrin*, *milk fat globule membrane (MFGM)* and *DHA* content in the **Enfinitas** range. With celebrity power, ingenious claims, gifts and other incentives on offer, MJN's business in China is reported to be on track despite falling sales elsewhere.

Using health claims to induce fear

MJN makes much of the fact that **Enfinitas** contains Lactoferrin and MFGM which are naturally present in breastmilk. Together with the company's "gold" standard level of DHA, these critical components, claims MJN, will help support brain development, immune system function and digestive health.

For example, the MJN China website insinuates that the DHA in its infant formula products can benefit "the multiple aspects of the little brain". There is a statement that MJN products "*support the DHA level that is recommended by international health authorities (WHO, FAO, and EFSA)*". Meeting international standards is a basic requirement but MJN is playing on parents' fear and concern when it asks, "*is your baby taking in enough DHA?*"



The MJN website uses a breastfeeding picture to idealise the DHA content in its products and to create a false impression that infant formula is comparable to breastfeeding. Such idealisation confuses parents and will undermine breastfeeding.

Promotion of premium product

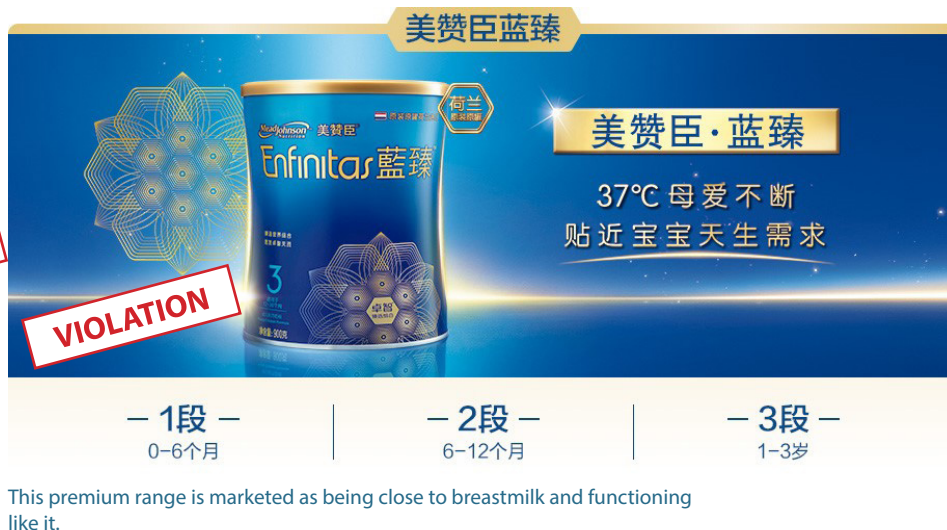
One of the most important messages used to promote the **Enfinitas** range of products (infant formula, follow-up milk and growing-up milk) as premium products is that the range offers "*Excellent Intelligence*", due to additives such as DHA, MFGM, and Lactoferrin. This 'intelligence' theme resonates with Chinese parents who are willing to pay more for high end products to give their children added advantage.



Promoting **Enfinitas** and its additives as the "complete excellent intelligence choice".



Enfinitas follow-up formula and growing-up milks ride on the premiumisation wave, with promotion claiming the products to be the “First Source Nutrition Combination, close to your baby’s natural needs”.



Using celebrity power

At a public promotion event featuring a famous Chinese celebrity, samples of formula were packaged as gifts with the **Enfinitas** name and logo on them. MJN executives gave talks and introduced the company's research and resulting products which are “in line with the natural gold standard to support the healthy growth of your baby”.



Vision in blue - Actress Yao Chen (right) provides celebrity power to promote the blue hued **Enfinitas** formula products.



Gift packs with formula inside.

Cross promotion down the line

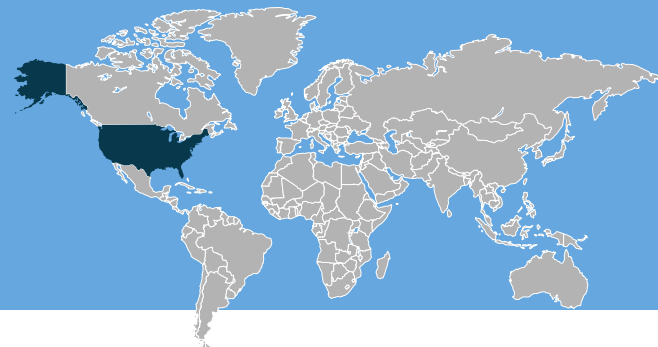
The **Enfinitas** series also includes a supplement – **Enfinitas Mama Algae Oil DHA**, which is promoted as essential for pregnant and lactating women. Ads for this product carry statements such as “originally-generated nutrition, from a mother’s love”, “originally-generated DHA”; “key nutrient to babies that supports the development of brain and immune system”.

Although the product is not covered by the scope of the Code, cross-promotional tactics using the same **Enfinitas** brand name and logo create brand loyalty for formula products in the same series. Pregnant women and mothers using this product will be tempted to transfer their loyalty to **Enfinitas** formula products, thus the tactic undermines breastfeeding.



Packaged, branded and promoted in a way that will result in recognition of the entire **Enfinitas** range.

LOOK WHAT THEY'RE DOING IN USA



In the US, the Code is implemented neither at state nor at federal level. It was referred to in the Surgeon General's Call to Action to Support Breastfeeding (2011) <https://www.surgeongeneral.gov/library/calls/breastfeeding/index.html> (accessed 23 February 2017), where there are calls, inter alia, to hold marketers of infant formula accountable for Code compliance and for steps to be taken to ensure that claims about formula are truthful and not misleading. In 2016, the U.S. Food and Drug Administration issued non-binding recommendations for industry to comply with certain labelling requirements for infant formula products, in particular, relating to claims. Promotion of these products, however, is still unregulated and MJN is accountable to no-one for the way it promotes its products in the US.

It is against this background that we see MJN promoting its formula products in the US in ways that are no longer seen anywhere else.

Making way for Enfamil...

- MJN's full-page advertisements in a magazine for pregnant women explain how the "*brain-nourishing Enfamil now has a smart new look*". One ad makes the unsubstantiated claim that the product is "neuro complete" to help support brain development in the 4 areas pediatricians check most - cognitive, motor, communication, social. The ad also claims that **Enfamil** is the #1 infant formula brand recommended by pediatricians. Another ad tells parents, "*When you feed your baby **Enfamil** today, you nourish milestones now - and for years to come. In fact, **Enfamil Infant** is proven to foster learning through age 5*". A third ad talks about how "***Enfamil** helps nourish milestones - from pointing at pictures to reading full pages*". Empty promises but... they sell.



Brand new look but same empty promises - #1 **Enfamil** infant formula brand recommended by paediatricians.



Both ads carry the slogan "*Nourishing milestones at every stage*". They claim **Enfamil** routine infant formulas have nutrients like DHA which are important for brain development and are inspired by breastmilk. Such claims are not permitted according to WHA resolution 63.23 (2010).

...at home

- MJN introduces pregnant women to a range of products available to feed their babies at the point when they're making infant feeding decisions. This box was delivered to an expectant mother at her home 3 weeks prior to her delivery date. It is inscribed with the message, "*Hello, Baby. As you begin your life together, **Enfamil** can help nourish your baby's amazing development*".



Unsolicited samples delivered to the house 3 weeks before baby's birth.

...at the clothing outlet

- A mother's personal information was shared with Mead Johnson without her knowledge and consent through a maternity clothing outlet. Mails containing promotional materials such as free coupons and **Enfamil** samples were delivered by MJN to her home in Texas over a course of a few months. To ensure that mothers open these unsolicited mails, the envelopes contain statements such as, "Great savings inside", "Nourishment is important for her development - save on brain-nourishing nutrition inside" and "Free samples, extra savings, more information". The headings of each promotional leaflet that is included in the mail contain claims about **Enfamil** such as "**Enfamil Infant** is shown to support his cognitive development", "With **Enfamil Infant**, the impact of the nourishment will still benefit him when he start preschool" and "**Enfagrow Toddler Transitions** has 30 nutrients such as brain-nourishing DHA, to help her growth and development".

Never just once..

These violations are not isolated incidences. Marketing schemes roll out thousands of gift boxes, hundreds of thousands of samples so each one we find means there are thousands of others.



An assortment of promotional materials that came through the post. Texts inside are full of unsubstantiated claims and idealising statements and images.



Free \$5.00 coupons in a form of personal cheques with mother's name readily printed and made payable to any **Enfamil** retailer. Different sets of coupons are issued over several months but each set offers a different range of **Enfamil** product to correspond with the age of the growing child.

...at the supermarket check-out counter

- Upon check-out, shoppers are issued receipts with **Enfamil** coupons printed on them. Shoppers are able to save \$8.00 on any **Enfamil** large size powders. The brands on offer are **Enfamil for Supplementing**, **Enfamil Gentlease**, **Enfamil Infant** and **Enfamil ProSobee**. Mothers, regardless of their infant feeding decision, are encouraged to buy this range of **Enfamil** products with message, *"Start Gently with Enfamil - and help nourish your newborn's potential, whether you choose to supplement or formula-feed"*.



These coupons printed on receipts have a dual purpose - they are advertising and discount tools that effectively induce purchases. Retail outlets also benefit from the schemes.

...at the doctors



- A pregnant woman making a regular visit to her doctor was given a "new mom" package which include an 8oz container of **Enfamil Newborn** formula. After the birth of her baby, she received two "Save \$5.00" coupons from MJN for the purchase of **Enfamil Infant** formula. The coupons were personalised with the name of the recipient and an assigned identification number. The advertisement attached to the coupons show a picture of a baby and the unsubstantiated statement - *"With Enfamil Infant, the impact of his nourishment will still benefit him when he starts preschool"*. Another statement declares that *"Enfamil Infant is proven to support early and long-term learning ability in babies up to age 5"*.

These coupons are personalised. The name of the recipient is hidden in this report.

...at Conferences

- MJN was among the companies prominently present at the 2015 National Conference and Exhibition organised by the American Academy of Pediatrics (AAP). There were special displays, exhibition booths and hospitality counters with the MJN name clearly displayed. Apart from posters promoting a full range of **Enfamil** products, there were free gifts for conference delegates at MJN's booth. The company also sponsored an internet cafe with multiple stations complete with printer, as a service to delegates attending conference.



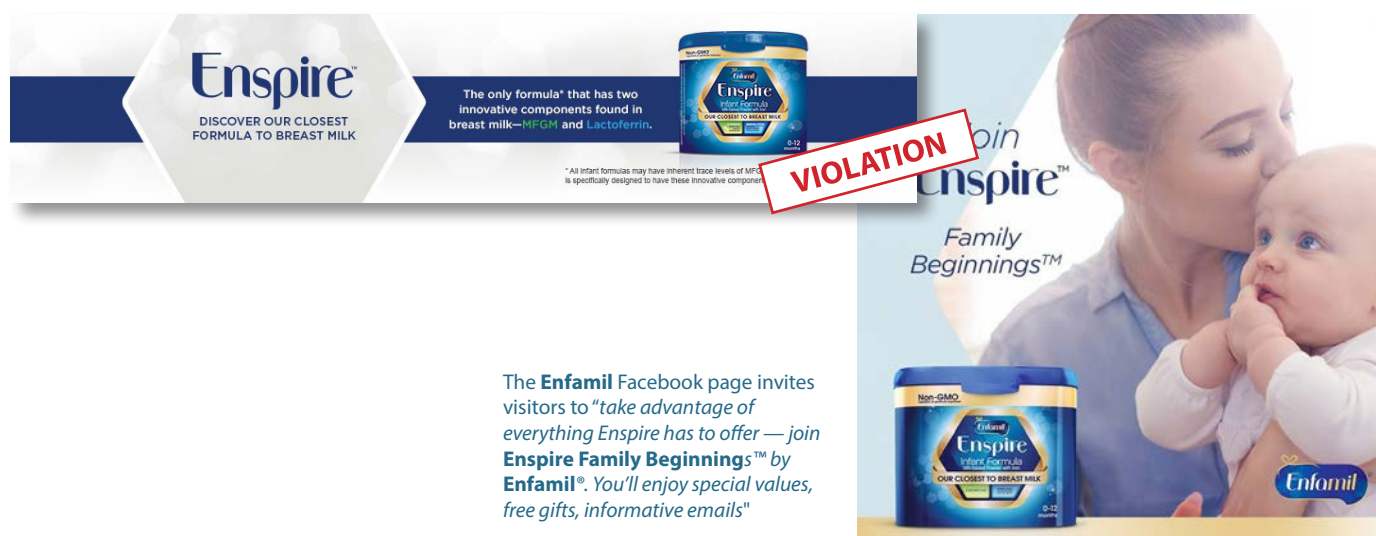
Servicing conference delegates.

Editorial Note: In March 2016, following concerns raised by AAP's Section on Breastfeeding, an agreement was reached within AAP to restrict company promotion and to prevent any implication that AAP's breastfeeding educational activities are sponsored by formula companies. It remains to be seen how effective this arrangement will be at the next conference.

...and online

- The **Enfamil** website lists a range of formula products, all of which are “*individually tailored to help nourish brain development and help support infant milestones*”. Among them are routine infant formula, infant formula for tummy troubles, formula for special dietary needs and toddler nutrition. One product from the routine formula range is **Enfamil Enspire** described as “*our closest to breastmilk*” because the product has *Milk Fat Globule Membrane* (MFGM) and *Lactoferrin*, two components also found in breastmilk. Claims about the product include –
 - MFGM to foster cognitive development
 - Lactoferrin to support the immune system
 - DHA and Choline — brain-nourishing nutrients also found in breastmilk
 - PDX and GOS — prebiotics to support immune system development

Enspire is also described as having “*the nutrients you would expect from **Enfamil** including vitamins D, C and E — and nucleotides which are associated with immune health and development.*”



The banner features the Enspire logo with the tagline "DISCOVER OUR CLOSEST FORMULA TO BREAST MILK". It includes an image of an Enspire formula tin and a woman kissing her baby. A red "VIOLATION" stamp is placed over the banner. Below the banner, a screenshot of the Enfamil Facebook page shows a post inviting visitors to join the "Enfamil Family Beginnings" club for special values and gifts. Another red "VIOLATION" stamp is placed over this text.

The **Enfamil** Facebook page invites visitors to “take advantage of everything Enspire has to offer — join **Enfamil Family Beginnings**™ by **Enfamil**®. You’ll enjoy special values, free gifts, informative emails”

- Visitors who join the regular **Enfamil Family Beginnings** Club are promised up to USD 325 in free gifts including free samples, discounts, informative articles, booklets, expert advice and nutrition tips.



A package containing a feeding guide and **Enfamil** samples is issued to mums when they join **Family Beginnings**. The package is meant for mums to use if they are already formula feeding or supplementing BUT if they are breastfeeding, mums are told “*why not keep them for another time if your feeding plans change?*”



In case feeding plans change, there is a box of formula available for mum.

Branding on baby signifies endorsement from mum.

STRETCHING THE RULES

- This section highlights marketing practices which undermine or discourage breastfeeding especially when relating to products which may not come under the scope of the Code.
- Sponsorship activities which may give rise to conflicts of interest are also reported here. These activities are intended to promote breastmilk substitutes and violate Resolutions on conflicts of interest.

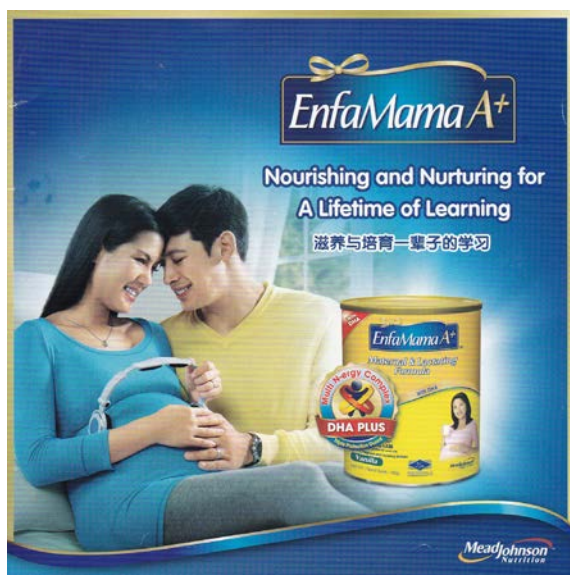
■ In Malaysia,

- Carton loads of **EnfaMama** were made available to staff of a private hospital for distribution to mothers. So much was given one mom got a full carton.



Formula for mothers!
MJN really means business - another boxes for distribution by health care facilities.

- A pamphlet accompanying **EnfaMama** samples is headed: “*Nourishing and Nurturing for a Lifetime of Learning*”. Inside the pamphlet, text explains how the product is formulated to support the nutritional needs of mother and baby during pregnancy and throughout lactation. The product is said to contain *Triple Protection Guard*, a unique blend of nutrients including folate to “*help maintain the growth and development of the foetus*”. On another pamphlet with the same image, the heading reads, “*a stronger foundation for our developing body begins with me*” and the slogan, “*nourishing mothers, nurturing futures.*”



Triple Action Guard to support nutritional and energy needs of mother and baby.

New Initiatives

A study by the Global Breastfeeding Collective - a new initiative to improve breastfeeding rates - showed only 40 percent of young babies were exclusively breastfed for six months, as recommended by the World Health Organization (WHO). Boosting the rate to 50 percent by 2025 would save the lives of 520,000 young children and potentially generate \$300 billion in economic gains over 10 years, the report said.

Anthony Lake, head of the U.N. children's agency UNICEF, said promoting breastfeeding was one of the most cost-effective investments nations could make in the future health of their economies and societies.

WHO chief Tedros Adhanom Ghebreyesus described breastmilk as “a baby's first vaccine”, protecting them from potentially deadly diseases.

Reuters, 1 Aug 2017

Editorial Note: Company promotion of milk for mothers (MFMs) often conveys the message that pregnant and lactating women need them to have a safe pregnancy and to be able to breastfeed successfully. These women and their families are led into thinking they need a special diet which would be fulfilled by such products. These messages are far from the truth and they compete unfairly with breastfeeding campaigns that work hard to show women that breastfeeding comes naturally and that given the right support, every woman can breastfeed.

These formula for mothers are not covered by the scope of the International Code and thus their promotion does not violate the letter of the International Code. They do stretch the spirit of the International Code by seriously undermining breastfeeding.

NESTLÉ

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

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BRANDS COVERED BY THIS REPORT

BREASTMILK SUBSTITUTES

Alfaré
Beba
FM 85
Good Start
Guigoz
Lactogen
Nan
Nativa
Neslac
Nestogen
Nidal
Nidina
Nido
PreNAN
S-26*
SMA*
Iluma

COMPLEMENTARY FOODS

Cerelac
Nestlé Gerber**
NaturNes
Nestum
Sinlac

*Acquired from Pfizer Nutrition

**Acquired from Gerber

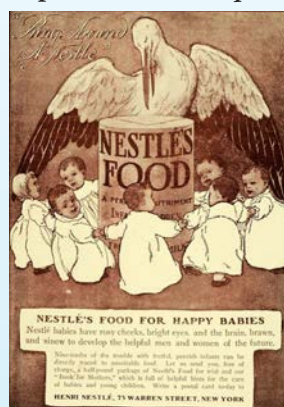
RELEVANT LOGOS AND ICONS



GENERAL INFORMATION

Nestlé is a multinational corporation headquartered in Vevey, Switzerland. Since its creation in 1866, it has grown to be the largest food and beverage company in the world as measured by revenue, profits, assets and market value.¹ In 2016, it handled CHF (Swiss Francs) 89.5 billion in sales and achieved a CHF 8.5 billion profit.²

Nestlé is fond of telling and re-telling the story of its pharmacist founder, Henri Nestlé who, in 1866, saved a neighbour's baby's life by concocting a flour & sugar-based milk (farine lactée). This mixture was subsequently mass-produced and exported as "Complete food for babies". Shortly after,



the company invented condensed and evaporated milks, which were also widely distributed and used for infants. These first products to be marketed by Nestlé grew into big business.

The company also has a vast product portfolio

ranging from coffee, chocolate and confectionery to breakfast cereals, ice cream and pet food.

Today, Nestlé has over 2000 brands including multiple baby food brands and is present in almost every country of the world. Some are these brands are the result of major corporate acquisitions, including Gerber from Novartis (2007) and Wyeth from Pfizer Nutrition (2012).

For marketing purposes, the stylised icon of a bird feeding its young mostly features appears on Nestlé's formula labels and promotional materials, and is a 'fattened-up' version of the company trademark. The Nestlé "Blue Bear" is usually deployed for the promotion of complementary foods such as **Cerelac** and **Nestum**.

*Brands under Wyeth Nutrition can be found under a separate section at p.185 of this report.

¹ 2017 FORBES Global 2000.

² Nestlé's Annual Review 2016.

Financial performance

Nestlé is the leading company in the global market with annual sales for Nestlé Nutrition totalling CHF 10.3 billion in 2016. (10% of total company sales) Almost half of annual sales for Nestlé Nutrition (44.5%) came from the Asia, Oceania and sub-Saharan Africa (AOA) region, with just over a third (36.3%) from Zone Americas (AMS). South East Asia reported solid growth, but low dairy prices and competition in China negatively impacted on market dynamics. Slow growth was observed in the United States and the **Gerber** brand is being revamped to include a focus on organic offerings. Product innovations in Brazil and Mexico helped achieve positive growth in Latin America.

Company ethos and the Nestlé Boycott

Nestlé does business according to its '**Creating Shared Value**' (CSV) strategy. It aims to link business benefits with social impact, and is described as its *"way of delivering a long-term positive impact for shareholders and for society, through everything we do as a company."*

Nestlé states the principles behind CSV have always been with them, even though the strategy was only introduced within the past decade. However, it was the antithesis of CSV principles that led to the biggest consumer boycott ever launched against a company.

The Nestlé Boycott began in 1977 as a result of the negative social impact of its aggressive promotion of formula and other baby foods. Nestlé was accused of undermining breastfeeding mothers, targeting them directly through advertising campaigns and free samples. The company misled doctors and nurses into claiming formula was as healthy or even better than breastmilk.

The Nestlé Boycott was so effective, well publicised and widely followed that, ultimately, in 1981 the World Health Assembly (WHA) adopted the International Code of Marketing of Breastmilk Substitutes.

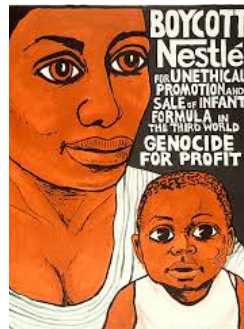


Marketing approach

Nestlé unifies its global marketing strategy for baby foods under its "Start Healthy Stay Healthy" slogan, and positions it as part of CSV corporate responsibility. This is also the name of its worldwide education programme, introduced in over 40 markets and reaching 55 million people according to the CSV 2016 annual report. The stylised bird icon that features on Nestlé formula products is part of the slogan.

The aim of the Start Healthy, Stay Healthy programme is to *"educate parents on the importance of nutrition in the first 1000 days of life, from conception to a child's second birthday"*. Under this programme, Nestlé exploits the 'first 1000 days' concept, first coined by the Lancet and then adopted by UN agencies and non-profits to improve maternal and child nutrition in public health programmes. Perhaps unsurprisingly, the attractive round number of the 'first 1000 days' was seized as a marketing opportunity by Nestlé (and others) and now is integral to their marketing approach. There is a '1000 days nutrition programme' and a 'My First 1000 Days Club', featuring on the Start Healthy, Stay Healthy website.

Materials on this programme compete with those provided by public health care systems, and give the public perception that Nestlé is a health partner. Under the guise of the Creating Shared Value ethos, Nestlé passes itself off as an active public health advocate. Instead it has hijacked global health campaigns to strengthen its brand and ultimately increase profits. The programme blurs and crosses lines of conflicts of interest.



Campaign posters from the Nestlé Boycott.

Commitment to responsible marketing?

“ We are committed to market BMS responsibly by complying with the WHO Code *as implemented by national governments* throughout the world as a minimum. ”

- Nestlé CSV 2016 (p.53), emphasis added.

The above commitment represents a distinct shift from Nestlé's previous marketing policy and also contradicts Code Article 11.3, which states that *independently of any other measures taken for implementation of this Code, companies should regard themselves as responsible...for ensuring that their conduct at every level conforms to them.*

Nestlé also states that it will continuously strive to improve its practices. Indeed, one of its 42 commitments in its CSV 2016 report is to “*support breastfeeding and protect it by continuing to implement an "industry-leading policy" to market breastmilk substitutes responsibly.*”⁴ It outlines its compliance to this commitment in three ways:

- its policy;
 - audits and monitoring, and
 - performance in global indices.
- **Policy**

This “*industry-leading policy*” that Nestlé describes was drawn up in 2010 (**Nestlé Policy and Instructions for Implementation of the WHO International Code of Marketing of Breastmilk Substitutes**), and has not been updated since, despite several WHA resolutions and recommendations being passed in the interim. The Policy is Nestlé's own interpretation of the International Code, and the blueprint for how it markets breastmilk substitutes. Unfortunately, it differs in quite a number of ways from the Code and subsequent resolutions. (see “Where Do They Differ?” at p.130 for analysis).

- **Audits and monitoring**

Besides its Policy, Nestlé verifies its so-called compliance to responsible marketing of BMS with routine internal monitoring, internal audits and external verifications by the agency Bureau Veritas. It publishes an annual external report which summarises the results of its compliance record according to these verifications.

Critically, these audits and monitoring only measure compliance against Nestlé's own Policy and any relevant national legislation, not against the International Code. This is significant, because certain countries do not have sufficient legislation to implement the Code in full, and the Nestlé policy is weak when compared to the Code.

Nestlé lays it on thick...

“ Our nutrition performance is independently audited and verified annually. We participate voluntarily in a number of third-party reporting initiatives...our leadership has been recognised in several rankings and indices. ”

- Nestlé CSV 2016 (p.33)

- **Performance in global indices**

To gain positive public relation from its much vaunted “leadership”, Nestlé often highlights its performance in two global indices, the **FTSE4Good** and the **Access to Nutrition Index (ATNI)**. However, the inclusion criteria are fundamentally flawed for FTSE4Good, while Nestlé's performance within the ATNI index remains shameful.

It is so much easier for Nestlé to claim success by measuring itself against its own flawed Policy. If Nestlé wants to meaningfully measure its compliance, it must bring its Policy in line with the Code and measure itself against the Code and resolutions as global minimum standard, rather than against weak national legislation or a flawed Policy.

⁴ Nestlé 2015 Annual External Report. Compliance with the Nestlé Policy and Instructions for Implementation of the WHO Code and local legislations on the marketing of breastmilk substitutes. Available from http://www.Nestlé.com/asset-library/documents/r_and_d/compliance/2015-external-report-code-compliance.pdf

FTSE4Good

FTSE4Good is an ethical investment index that aims to provide investors with means of measuring the performance of companies in meeting their environmental and social responsibility. It encourages improved practices by setting standards based a set of fixed criteria.



When the index was first launched, all companies that marketed breastmilk substitutes were excluded from the infant food sector as they were all breaching the Code and relevant resolutions. Consequently, the inclusion criteria were lowered, as FTSE4Good believed they could not engage with any companies if none were included in the index.⁷

After the FTSE4Good BMS marketing inclusion criteria were revised in 2010, Nestlé became the first BMS company to be included into the FTSE4Good index in 2011. This achievement is widely used by Nestlé as a performance indicator for their commitment to responsible marketing. However, UNICEF and various NGOs including Save the Children and IBFAN have underlined serious flaws (see **Box 1**) in the FTSE4Good inclusion criteria and have recommended it be changed in this regard.

Box 1. FTSE4Good flaws.

FTSE4Good made several concessions in order for Nestlé to qualify into the index. They are -

1. Companies do not have to demonstrate Code compliance to qualify for entry into FTSE4Good.
2. Company activities are assessed against the company's own policies, rather than the Code and relevant resolutions. In fact, Nestlé weakened its policy before being included in FTSE4Good, knowing that it would be assessed against this (see *Where Do They Differ* at p.130).
3. FTSE4Good assessment criteria only apply to higher-risk countries (distinguished by rates of child malnutrition and mortality). The Code is a universal minimum and does not distinguish between high-risk and low-risk countries. The distinction comes from Nestlé. (FTSE4Good states that it aims to eventually align requirements for all countries, as more companies move to meet the entry criteria).

The proposed gradual alignment of FTSE4Good criteria with the Code if more companies participate leaves much to be desired, as much damage would have been done in the interim to undermine the efforts of national governments and civil society groups to hold companies to account.

It must be reiterated that although FTSE4Good criteria state it requires company policies to align with the Code, two separate analyses have shown that the Nestlé policy does not.

(see ATNI's analysis in **Box 3**: for IBFAN's analysis see *Where Do They Differ?* at p.130).

Mischief resulting from FTSE4Good

Since being included in FTSE4Good there has been a subtle but significant change in focus in Nestlé's official reports and PR materials.

The company now takes its inclusion as an opportunity to glorify its commitments to responsible marketing. It gives off an air of corporate responsibility by lauding its FTSE4Good achievements at every opportunity. In parallel, the inclusion is used to undermine the Code. In fact, Nestlé has abandoned its previous commitment to *"adhere to the WHO Code as a minimum requirement in these countries [those at higher risk in the developing world]."* There is now a specific CSV 2016 objective to *"ensure that the practices of the Nestlé Nutrition business consistently meet the FTSE4Good Index BMS criteria."*

The language and phrasing often give the impression that FTSE4Good is the gold standard for responsible marketing, rather than the Code. The superficial inclusion criteria of FTSE4Good and Nestlé's weak Policy are ignored.

FTSE has repeatedly asked Nestlé to stop misrepresenting that inclusion in FTSE4Good signifies Code compliance, a request the company has ignored. In a letter to IBFAN, FTSE reiterates- "the assessment is based on the FTSE4Good BMS Marketing criteria rather than WHO Code Compliance."

⁷ FTSE Russell. Providing Context to the FTSE4Good BMS Verification Process.

ACCESS TO NUTRITION INDEX (ATNI)

The Access to Nutrition Index (ATNI), established in 2013, is the second index in which Nestlé seemingly performs highly.



ATNI, which aims to “measure companies’ contributions to good nutrition against international norms and standards”⁸, has a specific methodology which focuses on assessing the marketing of BMS. The assessment comprises two sections; a corporate profile analysis (BMS1) examining policy commitments, management systems and level of transparency, and an in-country assessment (BMS2) measuring compliance with the Code and national regulations.

In averaged results, Nestlé ranked 1st out of all 6 companies assessed by ATNI in 2016 (see **Box 2**). It topped the chart with a final score of 36%, with those of competitors ranging from 31% (Danone) to 5% (Mead Johnson). Albeit a number one ranking, this is a significantly low score and should not be a source of pride. Instead, it strengthens the argument that a significant improvement in BMS marketing policy and practice is needed.

Box 2. Nestlé’s poor performance in ATNI’s BMS scoring

Corporate Profile score (BMS1):

Ranked #1...with an absolute score of 55%

In-country practices (BMS2):

Ranked #2... with an absolute score of 17%

“While in relative terms, Nestlé has the highest overall score...in absolute terms its aggregate score was low at 36%...”

-ATNI Global Index BMS report



36% is not a praiseworthy score

Of all company policies assessed, they found that none fully align with the International Code or subsequent resolutions, and in-country research revealed widespread failings of marketing practices in major growing BMS markets. In fact, the results of the BMS assessments were so poor that ATNI included it as one of nine ‘key findings’ from the whole of the Global Index.

“Marketing practices of major BMS manufacturers fall short of international standards”

-ATNI 2016 Key Finding (website)

For Nestlé in particular, ATNI highlight specific points of weakness in its marketing policy and in-country compliance (see box 3). The fact that Nestlé are ‘the best of a bad bunch’ should not be cited as a measure of success, rather, it should be used to push forward the agenda for improvements in BMS marketing across the whole corporate landscape. This report continues to highlight improper marketing practices that are taking place around the world under Nestlé’s name, evidence of which is shown in the ensuing pages.

Box 3. ATNI's critical analysis of Nestlé

- Products covered by the scope of Nestlé’s policy are limited, and growing-up milks are not included.
- Nestlé policy does not apply globally.
- Nestlé had the highest number of incidences of non-compliance with the Code during in-country assessments, out of all companies assessed.
- Policy makes no commitment to WHA resolution 58.32 around providing information and labelling products with warnings about pathogenic micro-organisms.

Note:

WHA resolution 49.15 [1996] requires that “monitoring...[should be] carried out in a transparent and independent manner, free from commercial influence.”

Can ATNI’s recent claim to independence stand up to scrutiny?

⁸ ATNI Global Index 2016. Available from <https://www.accessstonutrition.org/sites/in16.atnindex.org/files/resources/atni-global-index-2016.pdf>

Where do they differ?

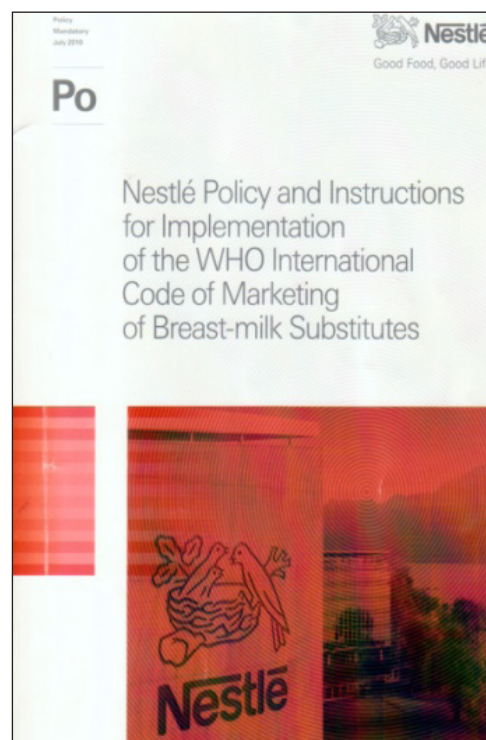
Comparative analysis of the International Code of Marketing of Breastmilk Substitutes and Nestlé's Policy and Instructions for implementation of the Code.

In *Breaking the Rules, Stretching the Rules 2014*, Nestlé's 'Where Do They Differ?' section compared the company's marketing policy with the International Code and relevant resolutions (the Code). It listed a dozen ways in which Nestlé misinterprets the Code and creates opportunities for continued promotion of breastmilk substitutes. Since then, the **2016 Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children (A 69/7 Add.1)** has been issued by WHO, which has several implications on the Code. It confirms that follow-up milks and growing-up milks are definitely covered by the Code. It also recommends that there should be no cross-promotion of breastmilk substitutes via the promotion of foods for infants and young children.

The **Nestlé Policy** (pictured right) **has remained unchanged since 2010**, when it was weakened to allow cross-promotion of infant formula brands on products marketed for use from one year of age. This was an unintended consequence of the FTSE4Good approach to corporate accountability (**Box 1**, pg.128).

Evidence shows that Nestlé violations of the International Code still occur around the globe. What follows is an updated comparison of the Nestlé marketing policy with the Code, as clarified and extended by subsequent resolutions and the 2016 Guidance.

NOTE: Discrepancies between the Nestlé Policy and the Code are described by theme, and areas requiring specific attention, particularly around the topic of conflicts of interest, are underlined. *Italicised text represents ICDC's comment, rather than content cited from Nestlé Policy.*



International Code and relevant resolutions	Nestlé Policy and Instructions
1. GEOGRAPHICAL SCOPE	
Code applies to ALL countries as a minimum. Countries are not grouped according to any specific criteria in terms of applicability of the Code, no distinction is made between high or low-risk countries. (Art. 11.3; WHA 34.22 [1981])	Policy applicability depends on the mortality, morbidity and nutritional status of children in a country. The Policy applies in “high-risk” countries, defined as those having under-five mortality rates of >10 per 1000, or >2% under-five acute malnutrition. ¹ All other countries are “low-risk”, and therein Nestlé applies national or regional legislation and norms. (Page 3)
	NOTE: Text in the right-hand column sets out Nestlé's interpretation of different Code articles in “high-risk” countries.

¹ Nestlé in Society, *Creating Shared Value 2016*. In this report, Nestlé claims the definitions of high-risk and low-risk countries come from the FTSE4Good Inclusion Criteria. In earlier years, Nestlé categorised countries according to UNICEF statistics.

2. PRODUCT SCOPE	
<p>As clarified in the 2016 Guidance, the Code applies to:</p> <ul style="list-style-type: none"> All breastmilk substitutes (BMS), including infant formula, follow-up formula and growing-up milk. A BMS is any milk specifically marketed for feeding infants and young children up to the age of 36 months; Any other food or liquid marketed for infants under 6 months of age; Feeding bottles and teats. <p>(Art. 2; A 69/7 Add.1, Rec. 2)</p>	<p>Nestlé Policy covers:</p> <ul style="list-style-type: none"> INFANT FORMULAS, defined as all infant formulas and follow-up formulas for healthy* infants up to the age of 12 months. Feeding bottles and teats. <p>Unless specifically required by national legislation, Nestlé Policy does not apply to:</p> <ul style="list-style-type: none"> *Products designed for infants of any age with special medical needs or needing physician supervision. Growing-up milks, as Nestlé does not consider/market these as BMS. <p>(Pgs. 3 & 9)</p>
3. INFORMATION & EDUCATION	
<p><u>Materials on infant and young child feeding should not be sponsored by the baby food industry, to avoid conflicts of interest in infant and young child health programmes.</u></p> <p>Other incentives also create conflicts of interest, see under 5 & 6 below.</p> <p>(WHA 58.32 [2005], read in conjunction with Art 4.3)</p>	<p>Materials that are related to maternal and child health are allowed and can be made available to health care institutions/professionals upon their request, in accordance with applicable government requirements and guidelines. They must include the information required by Code Art. 4.2 and may bear the corporate name and logo.</p> <p>(Pgs. 10 & 11)</p>
<p>Messages about commercial products for infants and young children must:</p> <ul style="list-style-type: none"> Have a statement on the importance of continued breastfeeding for up to two years or beyond and the importance of not introducing complementary feeding before 6 months of age; Not include any representation suggesting use for infants under the age of 6 months, (including milestones and stages). <p>(A 69/7 Add.1, Recs. 1 & 4)</p>	<p>No messaging requirements regarding the importance of continued breastfeeding or warning against early initiation of complementary feeding.</p> <p>No restraint against the inclusion of any image, text or other representation that might suggest use for infants under the age of six months (including references to milestones and stages).</p>
4. GENERAL PUBLIC AND MOTHERS	
<p>Marketing personnel cannot seek direct or indirect contact with pregnant women or mothers of infants and young children. Companies should refrain from establishing relationships with parents, such as through baby clubs, social media groups, etc.</p> <p>(Art.5.5; A 69/7 Add.1, Rec.5)</p>	<p>Only solicitation of direct contact with pregnant women and mothers of infants below six months of age is prohibited. Contacts to provide information or samples for the promotion of food supplements for expectant/nursing mothers are only restricted if such contacts are aimed at indirectly promoting products covered by the Code.</p> <p>(Pg. 13)</p>

<p>There should be no cross promotion for BMS indirectly via promotion of foods for infants and young children. Packaging design, labelling and materials used for the promotion of complementary foods must be different from those used for BMS.</p> <p>(A 69/7 Add.1, Rec.5)</p>	<p>No reference to cross promotion for BMS via promotion of complementary foods. Prior to 2010, Nestlé said it would not advertise formulas for babies over one year of age with the same brand name as an infant formula. Before its inclusion in FTSE4Good, it dropped this undertaking.</p>
<h2>5. HEALTH CARE SYSTEMS</h2>	
<p>Promotion of products, the display of products, placards or posters concerning such products, or the distribution of company materials in health care facilities is prohibited.</p> <p>(Art 6.2 & 6.3)</p>	<p>The distribution to health care facilities of educational materials bearing corporate identification, subject to the requirements of Code Art. 4.2, is permitted.</p> <p>(Pg. 14)</p>
<p>Feeding with infant formula should be demonstrated only by health workers and only to the mothers or family members who need to use it. The information given should include a clear explanation of the hazards of improper use.</p> <p><u>The baby food industry should not provide education on infant and young child feeding in health facilities.</u></p> <p>(Art 6.5; A 69/7 Add.1, Rec.6: see ^a in underlined text below)</p>	<p>Company personnel may provide relevant educational/instruction material to assist health workers in guiding mothers. Information materials used by health workers may bear corporate and product brands as well as packshots of the specific INFANT FORMULA. Baby pictures may be used “to enhance educational value of information.”</p> <p>(Pgs. 10 & 14)</p>
<p>To avoid conflict of interest, equipment and services should not be donated to health care facilities.</p> <p>(A 69/7 Add.1, Rec.6, building on Art 6.8: see ^b in underlined text below)</p>	<p>Equipment such as incubators, audiovisuals and low-cost service items bearing company name and logo can be given to institutions and health workers.</p> <p>(Pg. 16)</p>
<p><u>The baby food industry should not:</u></p> <ul style="list-style-type: none"> • <u>^a Directly or indirectly provide education to parents and other caregivers on infant and young child feeding in health facilities;</u> • <u>^b Donate or distribute equipment or services to health facilities;</u> • <u>Provide free products, samples or reduced-price foods for infants or young children to families through health facilities;</u> • <u>Use health facilities to host events, contests or campaigns;</u> • <u>Give any gifts or coupons to parents, caregivers and families.</u> <p>(A 69/7 Add.1, Rec. 6)</p>	<p>The 2016 WHA Guidance applies to private enterprises such as Nestlé. It is required to change its policy so as not to create conflicts of interest within healthcare systems.</p>

6. HEALTH WORKERS	
<p>No financial or material inducements to promote products should be offered to healthcare workers.</p> <p>(Art. 7.3; A 69/7 Add.1, Rec. 6; see^c in underlined text below)</p>	<p>Low-cost items of professional utility or token gifts may be given to health workers on an occasional basis, if and as culturally appropriate. Items may bear the corporate logo.</p> <p>(Pg. 17)</p>
<p>Samples allowed only if necessary for professional evaluation and research.</p> <p>(Art. 7.4)</p>	<p>One or two cans of INFANT FORMULA may be given to introduce (i) a new INFANT FORMULA, (ii) a new formulation of an existing product or (iii) a new INFANT FORMULA range to a newly qualified health professional.</p> <p>(Pgs. 17 & 18)</p>
<p><u>Sponsorship of meetings of health professionals and scientific meetings by the baby food industries should not be allowed.</u></p> <p>(A 69/7 Add.1, Rec. 6, building on Art. 7.5: see^d in underlined text below; WHA 49.15[1996] & 58.32[2005])</p>	<p>The decision to support scientific activities is taken on a case by case basis by a member of the management committee of the local Nestlé company.</p> <p>(Pg 18)</p>
<p><u>The baby food industry should not:</u></p> <ul style="list-style-type: none"> • ^c Give gifts or incentives to health care staff; • Directly or indirectly provide education to parents and other caregivers on infant and young child feeding in health facilities; • Provide any information for health workers other than that which is scientific and factual; • ^d Sponsor meetings of health professionals and scientific meetings. <p>(WHA 69.7 [2016] Add.1, Rec. 6)</p>	<p>Nestlé is required to change its Policy so as not to create conflicts of interest among health workers.</p>
7. LABELLING	
<p>Labels must follow pre-set standards and no nutrition and health claims are allowed for BMS or foods for infants and young children.</p> <p>(Arts. 9.1 & 9.2; WHA 58.32 [2005] & 63.23[2010])</p>	<p>Company labelling guidelines allow for claims and promotional devices on labels.</p> <p>(Pg. 20)</p>
8. IMPLEMENTATION	
<p>Governments should implement national measures to give effect to the Code as appropriate to social and legislative framework, including legislation and regulation, and take all necessary measures in the interest of public health to end inappropriate promotion of foods for infants and young children.</p> <p>(Art. 11.1; WHA 69.9 [2016])</p>	<p>Nestlé marketing managers should “encourage” introduction of national codes (in reality, this means lobbying for unenforceable voluntary agreements rather than laws).</p> <p>(Pg. 22)</p> <p>NOTE: At the time of analysis (2017), there are no instructions on how Nestlé intends to give effect to the 2016 Guidance.</p>

Nestlé fined in Ecuador

In June 2017, the regulatory body on free markets in Ecuador imposed a fine of more than USD 157,000 on Nestlé. The company had used the name and emblem of the Ministry of Health of Ecuador on a leaflet promoting its marketing practises.



Report from Elcomercio.com.

The leaflet, “Nestlé - Principios y Responsabilidad” was distributed in October 2012 to hospitals and other health centres in an attempt to convince health professionals that Nestlé is an ethical company and Code compliant. By also displaying the name and emblems of WHO and the Ministry of Health, Nestlé made it look like it was a health partner of both institutions and had their endorsements.

The unauthorised use of the name and logo of WHO led to warnings from its country office and from headquarters in Geneva for Nestlé to immediately cease all use of the institution's logos.

In his letter to Nestlé dated 2 August 2013, Gian Luca Buci, Legal Counsel from WHO said:

“... the document gives the impression that WHO is in agreement with Nestlé’s business approaches. WHO does not support the business approaches or products of any individual company, including Nestlé ... we do not wish to see our name used in a manner that implies WHO’s endorsement of your company’s business approaches.”

ICDC already reported this case in *Breaking The Rules 2014*. The new development is that the Ecuadorian Government decided to fine Nestlé.

So, Nestlé was rebuked by WHO, but the Ecuador Regulators viewed the wrongful use of the Ministry of Health emblem to be a sales strategy for breastmilk substitutes in violation of Article 27, para 2, of the Basic Law on Market Freedom Regulation and Control.

“This act of deception induces health professionals, consumers and the general public into error and leads to the perception there is approval, authorisation, trust, accreditation or endorsement by the public health authorities.”

-Ecuadorian Office of Investigation of Unfair Practices

The Office of Investigation also said the case-

“undermines general welfare and breaches the rights of consumers or users, distorts competition and diminishes economic efficiency”.

In addition to the fine, Nestlé Ecuador is ordered to carry out corrective measures.

Nestlé expressed disagreement with the sanction and has announced its intention to appeal.



Showing off FTSE4Good certification with official logos was not a good idea!

The company is probably regretting its decision to improve its image by displaying logos of WHO and MOH.


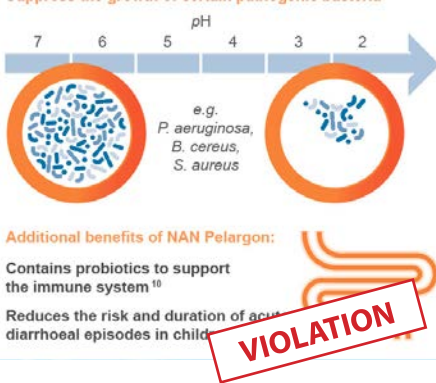
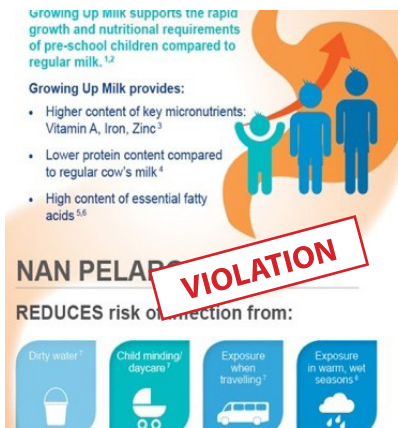
INFORMATION AND EDUCATION




- **Article 4.2** requires all information material to advocate for breastfeeding and not contain pictures or text which idealise the use of breastmilk substitutes.
- For health professionals, **Article 7.2** of the Code allows only product information that is factual and scientific.
- **WHA resolution 58.32 [(2005)]** prohibits nutrition and health claims, unless specifically provided for in national legislation.




Nestlé repeatedly violates the Code by providing materials to pregnant women and mothers. As a manufacturer of breastmilk substitutes, the company should not reach out to parents. Moreover, the materials contain pictures and text which idealise the use of breastmilk substitutes. It is also commonplace for health workers to receive product-related Nestlé materials which are rarely restricted to scientific or factual matters. The company does not refrain from using unsubstantiated nutrition and health claims to promote its products.

One major claim Nestlé makes across many of its products is about the probiotics the company uses to fortify its products. Although several studies have concluded that there is insufficient evidence to support long-term benefits of probiotic-supplemented products, Nestlé continues to ride on the probiotic concept, claiming the additives protect infants and young children from infectious diseases, allergies and digestive abnormalities.


■ Botswana

		
<p>- Nestlé sends out e-mails to 'inform' health workers about Nan 3 Pelargon. The message "Safety from the Start" is consistent with Nestlé's sales pitch of "Start Strong –Stay Strong". Both undermine breastfeeding.</p>	<p>What appears to be merely information contains unsubstantiated claims. Nan 3 Pelargon, acidified and fortified with probiotics, promises to suppress the growth of pathogenic bacteria and thus reduce the risk of infections, acute diarrhea and contributes to rapid growth.</p>	<p>Nan Pelargon is an old brand of acidified formula but by extending the line to #3, Nestlé gets to call it the "first" acidified growing-up milk in Southern Africa.</p>

		
<p>On its website, information Nestlé provides to mothers who “need or choose to formula feed” their babies includes the advice to pack formula on their way to the hospital for their baby’s birth to “ensure they are ready for those first few days and months with baby.” This advice sets a mother up for formula feeding.</p>	<p>Invoking equivalence! The online platform also uses numerous pictures of formula-fed babies to normalise the culture of bottle-feeding. Unsubstantiated claims are further used to highlight the nutrient components in Nestlé’s infant formulas, all of which are said to be “naturally found in breastmilk”.</p>	<p>No brand name but guess which one has <i>Probiotic B. lactis</i> that gives breastmilk its natural protective qualities and Omega 3 and 6, nutrients naturally found in breastmilk for physical brain and eye development.</p>

		
<p>Materials distributed to participants at a paediatric congress in Dubrovnik show idealising pictures of mums with newborns next to packshots of NAN formula products. Here, Nan Sensitive is promoted as helping infants with digestive problems.</p>	<p>The positive effect of <i>lactobacillus reuteri</i> (LR reuteri), a probiotic, is highlighted with the help of graphics to suggest that it reduces colic and crying time in 95% of infants. This claim is not substantiated by independent research.</p>	<p>Premature and low birth weight babies should be fed breastmilk but this information material from Nestlé promotes PreNan by placing a picture of a newborn next to a packshot of the product.</p>




■ Chile

	 <p>NAN 1 es una fórmula infantil para lactantes sanos desde el nacimiento hasta el amamantamiento no es adopta de NAN 1 es cercano al de los probióticos Lcomfortis, que actúa sobre el sistema digestivo, además de un correcto desarrollo físico y mental.</p> <p>Proporciona:</p> <ul style="list-style-type: none"> Lcomfortis: Probiótico exclusivo que favorece el bienestar digestivo y evita molestias menores. <p>–Reduce el cólico infantil y el estreñimiento.</p> <p>–Estimula la maduración del sistema inmunológico.</p> <p>–Mejora la función digestiva y el tránsito intestinal.</p> <p>–Ayuda a regular la digestión para asegurar movimientos abdominales, disminuyendo la constipación.</p> <p>–Mejora el confort intestinal y el bienestar del bebé.</p>	
<p>Nestlé Pediatría website provides information on the entire Nestlé formula range available on the Chilean market. Even though the website is intended to reach health professionals only, it is freely accessible to the public.</p>	<p>Misleading claims on nutrient components and idealising texts are used to establish similarity between the Nestlé products and breastmilk. These include -</p> <ul style="list-style-type: none"> • Opti Pro: Amino acid profile closest to breastmilk. • DHA and ARA in a 1: 1 ratio, similar to that of breastmilk. 	<p>The Nestlé “Breastfeeding Manual” bears the “<i>Healthy Start, Healthy Life</i>” slogan which is representative of Nestlé products.</p>


■ Gabon

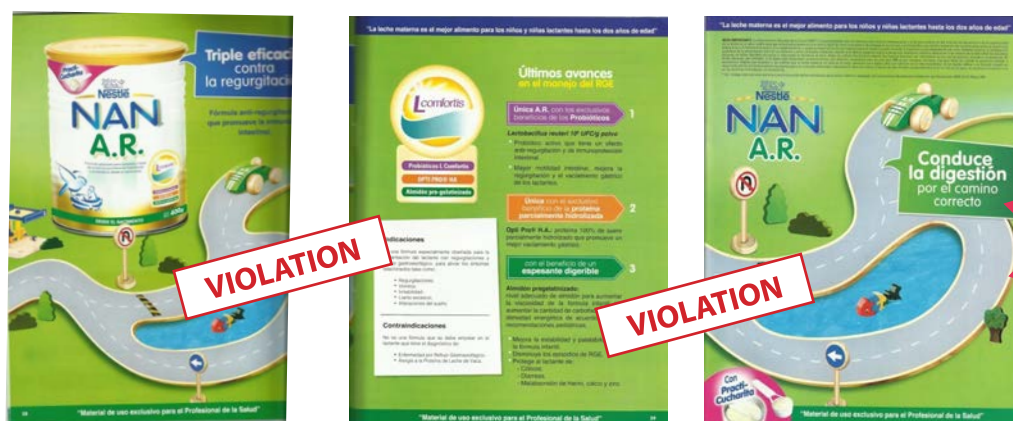
		
<p>Nestlé's pamphlet on breastfeeding, also bears the slogan, "Bien Grandir- C'est pour la vie (Grow Well – It's for Life)". It was distributed to mothers in health facilities and gratefully received by some professional associations which regard Nestlé as their partner in infant and young child feeding. Although no product brand name is mentioned in the pamphlet, it is obviously an attempt on the part of Nestlé to ingratiate the company's name and hence its products among mothers and health professionals alike.</p>		

■ Middle East and North Africa

 <p>Pr Patrick Tounian Chef du service de Nutrition et gastroentérologie pédiatriques, Hôpital Trousseau, Paris</p>	<p>A video, sent via e-mail to health workers and available on YouTube and on the Nestlé Nutri Pro website, is supposedly accessible only for health professionals but members of the public are able to view it as well.</p>
 <p>VIOLATION</p> <p>4-6 mois : purée de légumes puis purée de fruits</p>	<p>In the video, Professor Patrick Tounian, acts as a Nestlé Nutri Pro ambassador to inform healthcare professionals as well as mothers about infant feeding. He recommends initiation of complementary feeding at 4-6 months, which is old advice and contrary to current WHO recommendations.</p>
 <p>VIOLATION</p> <p>Nestlé Nutri Pro.</p>	<p>Professor Tounian also stresses the importance of growing-up milks (in French "lait de croissance") for iron and vitamin D requirements of a one-year old child. He claims that "growing-up milk is essential to ensure a child's iron requirements". No brand name mentioned but the sales pitch for Nestlé is clear to all.</p>

■ Niger

 <p>VIOLATION</p> <p>Nestlé Votre Guide de Nutrition Infantile</p> <p>Quand une mère ne peut pas allaiter, choisissez la formule adaptée.</p> <p>Les besoins nutritionnels de l'enfant</p> <p>Le lait maternel, c'est le meilleur pour votre bébé.</p> <p>Si vous ne pouvez pas allaiter, choisissez la formule adaptée.</p> <p>Les besoins nutritionnels de l'enfant</p> <p>Le lait maternel, c'est le meilleur pour votre bébé.</p> <p>Si vous ne pouvez pas allaiter, choisissez la formule adaptée.</p>	<p>Nestlé distributes educational brochures that inform mothers about the latest guidelines on infant nutrition and feeding practices. While the cover of the brochure suggests the focus is on breastfeeding, the brochure is just another Nestlé attempt to promote its entire range of formula products, all of which are covered by the scope of the Code.</p>
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Nestlé distributes brochures to health workers about the launch of the 'special' infant formulas **Nan A.R.**, fortified with the exclusive Nestlé probiotic "*Lcomfortis*" also known under its scientific name *L.reuteri* and other ingredients.

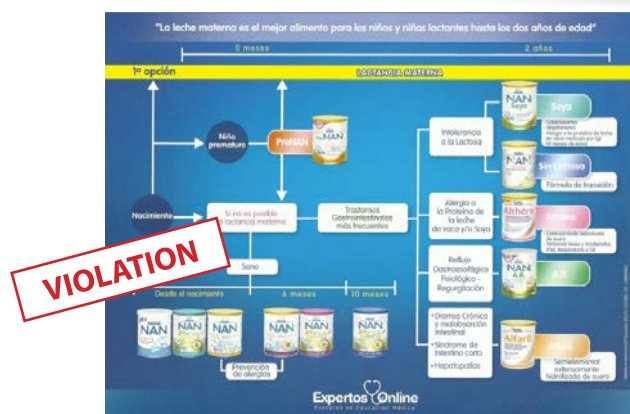
Claims used to promote **Nan AR** include the following statements about its composition -

- *Lcomfort* is probiotics to decrease digestion related symptoms such as regurgitation and bowel irritability.
- Special *Optipro HA*, partially hydrolyzed proteins to support easier digestion and to accelerate gastric emptying.
- Pregelatinized starch ("Almidon") to increase viscosity of the formula in the stomach and to drive digestion down the right path.

Claims are not allowed under resolution WHA 58.32 [2005] and 63.23 [2010]



Brochure on **Nan Sensitive** formula is promoted as containing *Optipro HA* proteins and *Lcomfortis* probiotics to accelerate gastric emptying and reduce colic. Described as a 'comfort' milk, the product is said to contain lower lactose content compared to normal infant formula to reduce 'fermentation' in the colon and prevent abdominal problems. Depictions of intestines in the shape of clouds filled with sunshine and rainbows allude to "happy" tummies.



Still, in Venezuela, a chart exhibiting the entire series of Nestlé formulas is provided exclusively to health experts. Short captions describe the nutritional function of the various products. **Nan Soya** is promoted as suitable for children suffering from lactose intolerance while for **Nan A.R.**, it's all about preventing regurgitation and gastroesophageal reflux – a prescription for any possible digestion issue.

PROMOTION TO THE PUBLIC AND IN SHOPS

- **Article 5.1** of the Code prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** of the Code prohibit companies from giving samples and gifts to mothers.
- **Article 5.3** of the Code bans promotional devices at the retail level.
- **Article 5.5** of the Code prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.

Nestlé's promotional practices in the public arena are guided by its marketing policy and although it happens (as the collation below shows), the company is seldom caught promoting its infant formula products.. Follow-up formulas are promoted wherever such practices are not specifically prohibited under national law even though Code Article 11.3 requires companies to ensure that their conduct at every level conforms to the Code independent of national measures.

This part of the report focuses only on promotion of formula products. Other foods marketed for infants and young children are reported elsewhere as different considerations apply to the inclusion of these products within the scope of the Code. Promotion of growing-up milks is also reported under a separate section as there has in the past been some controversy over whether or not these relatively new products are breastmilk substitutes. WHO has recently confirmed that they are.

		
<p>Bangladesh – in violation of the national law, a weekly magazine presents an article on infant feeding which bears the Nestlé name and the “Start Healthy, Stay Healthy” slogan.</p>	<p>Belgium - info from a scientific advisor at Nestlé discusses “smooth transition from breast to bottle” with a link to an online ad on Nestlé Nan 2. The appearance of ‘Blue Bear’, the mascot for Nestlé complementary foods is a clear example of cross promotion.</p>	<p>Chile – 40% price discount on Nestlé's Nidal infant formula in a pharmacy in Santiago.</p>

Canada

		
<p>Nestlé sends unsolicited emails, coupons and formula samples to mums-to-be who are members of a fashion store.</p>	<p>In 2016, A free Nestlé Baby Bag worth \$130 and other perks including vouchers and product samples await mothers when they register with Nestlé Canada.</p>	<p>In 2017, mothers who signed up for the Nestlé Baby Program will receive these unique mommy perks for every stage of baby's development.</p>



France - A 30 second YouTube ad on **Guigoz 2** shows how its *Optipro* formulation contributes to the normal functioning of the immune system and development of the brain.



India - Discount on **Lactogen** infant formula by online store. Both the Code and the Indian Law disallow such practices.



Lithuania – Discounts on a variety of formula and complementary food products on the website of a large supermarket chain.



Myanmar - The signage above a product stand for sachet-sized **Lactogen** states "Mother's milk is best for all children". Mothers will perceive that the product is equivalent to breastmilk.

■ Singapore



A newspaper editorial entitled "*The Right Formula*" explains how formula products contain ingredients that "*mimic human breastmilk*" to support baby's growth and development. A Nestlé ad for **Nan HA 2 & Nan HA 3** is conveniently placed directly below the article.

A leaflet entitled "*Does your baby need extra protection?*" states that nature (ie breastfeeding) provides the best solution but after 6 months, parents should opt for a "*follow-on formula that contains probiotics such as BL BIFIDUS*" to "*maintain a desirable balance of beneficial bacteria in the gut*". i.e **Nan HA**.

Another leaflet entitled "*Allergies - is your child at risk?*" states that where family history shows there are risks of allergies, a child's growing potential can be nurtured with hypoallergenic follow-on formula. No brand name is mentioned but the slogan- *Start Healthy, Stay Healthy*- appears on the flyer.



- Singapore - Nestlé invites pregnant women to sign up for its Nestlé Baby Club with the tagline, “Your baby’s first 1000 days makes the difference of a lifetime!” Exclusive member benefits include “New Moms bag, weaning bag, product vouchers” worth SGD388. Mothers who sign up will also receive “essential parenting resources & tools, exclusive members’ events & promotion and age customised E-mailers on nutrition and feeding”.

- Switzerland - A Nestlé Beba Pro 2 video clip found on a Swiss internet broadcast site tells mothers that Nestlé Beba 2 “speaks baby” and will transform them from distressed to happy babies. Why bother to breastfeed?



- Trinidad and Tobago - Nestlé places its infant and follow-up formula products on a shelf bearing the statement, “Breast Milk is Best” in a local supermarket. However, the Nestlé product logo and slogan “Start Healthy, Stay Healthy” appearing before the statement sends out a completely different message.

■ USA



In a Gerber Good Start Soothe infant formula ad in the “Parents” magazine, the product is idealised as “complete nutrition with DHA for infants who are fussy, colicky, or cry excessively”. Nothing in the ad indicates that breastfed babies are more colicky than formula fed ones but Nestlé claims its *L.reuteri* probiotic formulation is able to “reduce crying by up to 50% in colicky breastfed infants”.





Gerber Good Start Gentle for Supplementing infant formula not only discourages exclusive breastfeeding but comes with a money back guarantee. It is described as gentle nutrition for when moms supplement as it contains small “Comfort Proteins”, that are easy for tiny tummies to digest. “Comfort for your baby means happiness for all”.

BabyNes - Pressing the wrong buttons for breastfeeding


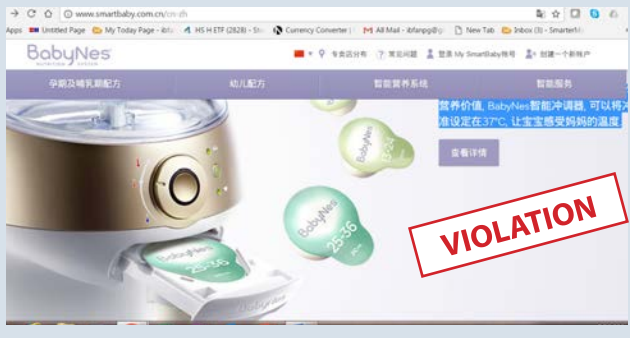
In May 2011, Nestlé launched the “**BabyNes** nutrition system” in Switzerland and France. The system consists of a machine that swallows pre-packaged pods and in 60 seconds emits a warm formula feed. The single serve **BabyNes** formula pods come in 6 different compositions for babies 0-36 months old and are double the price of conventional powdered milk feeds. Expensive, but a “must have” for gadgety-minded parents looking for a quick formula fix and for whom costs are not an issue.

When ICDC complained to Nestlé that the language and images on the **BabyNes** website were promotional and idealising, Nestlé promised to get input from “neutral external stakeholders” and make necessary changes if the “others” agreed. The people they consulted, whoever they were, could not have been neutral because Nestlé continues to promote the product widely using similar idealising images and text.

The same **BabyNes** system has now been introduced into the US as a **Gerber** product and in Hong Kong and China under **Wyeth**, both subsidiaries of Nestlé. The “*intelligent*” machine is now smarter as there is a WIFI enabled model that can send information directly to a virtual dashboard so parents can, among other services, get feeding alerts and view and track their baby’s nutrition and growth on their computer, tablet or smartphone. All at the touch of a button.

	
<p>■ France –BabyNes is described as the “<i>New Generation Nutrition</i>” because “<i>today’s babies deserve the nutrition of tomorrow</i>”. Mothers are told that its range of infant formula evolves to the “<i>rhythm of your baby</i>”.</p>	<p>■ Switzerland - An ad appearing in the Facebook page of a Swiss mum in early 2017 described the machine and formula pods as “<i>a unique system – one capsule for each stage for baby’s growth</i>”.</p>

■ China

	
<p>The product is touted as an “<i>Intelligent Feeding System</i>”, inspired by breastfeeding research and provided by mum to her baby with “<i>impeccable love</i>”.</p>	<p>Temperature controlled at 37°C to “<i>let baby feel the mother’s temperature</i>” but in actual fact to prevent damage the product’s nutritional value, i.e additives. What about WHO/FAO guidelines to reconstitute formula with boiled water cooled to 70°C? Not necessary?</p>

■ Hong Kong

Wyeth BabyNes Evolving Precision Nutrition



2015 - The "breakthrough" evolving precision nutrition from **Wyeth**. The ad also publicises the "My **BabyNes**" app which offers "smart" services that enable parents to track growth and get feeding alerts.



2017 - **BabyNes** has been extended to become the "Mother and Child Integrated Nutrition System". **Mom & Me** - Pregnancy formulations for mum's "changing nutritional needs" and over time, **BabyNes** formula to support the child's growing nutritional needs as the child grows. Here, **Wyeth** conducts a workshop for parents.

■ USA



The Wi-Fi enabled system is promoted as being "Inspired by breastmilk" and "a smart way to nourish the greatness in your baby at each stage of development". The **BabyNes** system is described as "an advanced nutrition system bringing six stages of single serve formulas together with a Wi-Fi-connected Machine".



Video from **Gerber** shows how simple **BabyNes** is – "put the capsule on the machine, press the button, just one button and you create the perfect bottle in less than a minute".

Model explains that breastmilk evolves and that evolving nutrition is what **BabyNes** is all about - "The right nutrition at the right age".

"Everyone knows that breastfeeding is best but it is so important to have options... and **BabyNes** is a really smart option" - Smart enough for the next generation and to discourage breastfeeding.

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

- **Article 6.2** bans the promotion of products within the health care system.
- **Article 6.3** prohibits the display of products, placards and posters as well as the distribution of company materials unless requested or approved by the government.
- **Article 7.3** provides that there should be no financial or material inducement to health workers to promote products.
- **WHA resolutions 58.32 [2005]** and **WHA 65.60 [2012]** call on countries to ensure that financial support and other incentives for programmes and health workers do not create conflicts of interest.

Nestlé's marketing presence in health facilities is visible around the globe. Free samples, brochures, leaflets and posters are widely available, thus undermining exclusive and sustained breastfeeding. Health workers entice mothers to use Nestlé products and by their endorsement, jeopardised their professional integrity and primary responsibility to their patients. The company's continued presence in health care facilities is a problem?



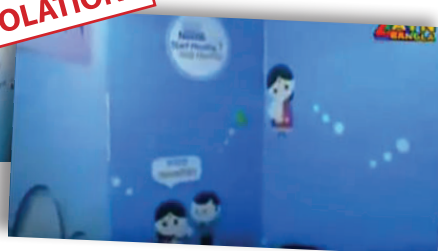
VIOLATION



- Austria & Germany - Samples of various Nestlé **Beba** follow-up milks (placed on special stands that promote brand recognition) are freely available in the waiting rooms of paediatric clinics.



VIOLATION



- Bangladesh - Nestlé installs breastfeeding rooms in hospitals around the country in an obvious attempt to cultivate goodwill. The "Start Healthy – Stay Healthy" slogan on the wall strengthens brand recognition in these rooms.

Job Description

Territory Manager, Maternal and Infant Nutrition- London, Ontario (Job Number: 1400032F)

Description

Nestlé was ranked the fifth most loved brand in the world in a survey of 70,000 consumers in 15 major international markets. Nestlé Canada was voted one of the best workplaces for 3 consecutive years, and was also named one of Canada's 10 Most Admired Corporate Cultures in 2013. Recognized in Canadian Business, the Nestlé brand was named #9 by consumers on the World's Most Reputable Companies list and ranked #2 for the Best Reputation in North America! Find out why. **There is more to Life at Nestlé...**

We offer you:

Major Responsibilities:

- Work with Healthcare Professionals (physicians, nurses, etc.) based in community clinics and offices to generate retail sales
- Manage and develop hospital accounts to targeted growth plan
- Prospect and build relationships with target Healthcare Professionals and Key Opinion Leaders

VIOLATION

- Canada - A job ad for the position of Territory Manager spells out one of the job's functions as to 'stimulate' retail sales through the promotion of infant formulas and cereals to gain healthcare professionals recommendations. The manager is to work with physicians, nurses, etc who are based in community clinics and offices.



■ Canada - Nestlé **GoodStart** formula samples are prominently displayed in a family walk-in clinic in Nova Scotia, alongside "Welcome to Parenting" pamphlets from the Nova Scotia Department of Health and Wellness. The staff at the clinic explained that the products are given away as "we want people to know we have samples and we do not want them to go to waste".

■ Colombia - Pens bearing the name of Nestlé Nutrition Institute and brochures promoting the entire NAN PRO milk series, "metabolic and immunological programming from birth" - are distributed to health workers.

■ Democratic Republic of Congo - Nestlé provides white coats bearing the Nestlé Nutrition logo to paediatricians in a hospital in Goma. In the same hospital, there is a poster informing health workers about marketing practices that are prohibited under the Code. It is a ruse to familiarise hospital staff and patients alike with the company's name and logo.



Left - In France, a full-page Nestlé **Guigoz** advertisement published in a monthly magazine for health professionals called "Pédiatrie Pratique" contains quotes from paediatricians about proteins, DHA and regurgitation that validate the claims appearing on the **Guigoz** labels.

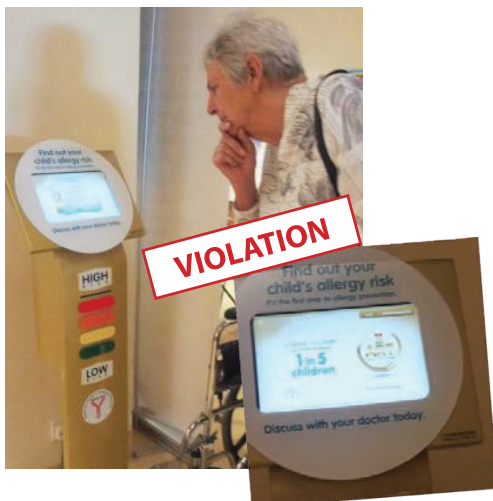
Right - Again in France, a Nestlé **Guigoz** booklet offers tips and advice to parents on how to play, sing and talk with their baby. In addition, there is a recommendation for parents to "ask your doctor, follow-up milk gives your infant enough iron and other nutrients that the baby needs". The **Guigoz** brand name and logo leaves parents in no doubt as to which brand they should be rooting for.



Left - In Germany, in a doctor's waiting room a big Nestlé **Beba Pro 2** poster on challenges facing children from birth to adolescence warns, "Mother's milk, low in protein".

Another Nestlé **Beba Pro 2** poster shows a mother bottle feeding her baby with a written message running across it stating, "From the first day, I only want the best for you. You trust me, and I trust **BEBA**".

Right - In the same doctor's office a brochure called "Praxis Ratgeber" (Practical Advisor), Nestlé points out 6 brief benefits of breastfeeding. However, the next 6 pages address cases of mothers who cannot, don't want to breastfeed or have to stop breastfeeding and focusses on high quality, high quantity protein content in (Nestlé's) infant formula, follow-up and hypoallergenic milks.



Left - In Malaysia, Nestlé installs an "Allergy Risk Tracker" in a private hospital to reach out to pregnant women and mothers. A prominent statement on the machine invites patients to take the first step to allergy prevention by finding out their child's allergy risk. Those who are curious are able to take a simple test on the machine by providing information on their medical history and they will be immediately be provided with an assessment. Even when their assessments show low risk, patients are encouraged to discuss with their doctors on ways to help reduce risk of allergy. The solution given is, no doubt, Nestlé's range of products.

Right - In Norway, an advertisement for **Nan H.A. 1** infant formula appears in the Norwegian Journal of Nutrition. It is said to be designed for children with risks of inherited allergies. An endorsement on the product states that the product could reduce the risk of eczema by up to 50%.

What's Happening In Nigeria

The law in Nigeria prohibits the distribution of gifts which may idealise or promote the use of formula products. Yet, in many healthcare facilities, including baby friendly hospitals, many items brandishing the “*Start Healthy, Stay Healthy*” and “*Good Food, Good Life*” slogans are commonly found.

Health workers and their professional associations readily accept Nestlé support for activities such as exhibitions, seminars/workshops for continuing medical education and scientific meetings on infant and young child topics. All of these give rise to conflicts of interest. Approval from Nigerian regulators for these activities are seldom obtained although required by law. More often than not, products are promoted during such events. Even when no specific products are mentioned and where the event is for breastfeeding promotion, the company uses the occasions to send out the message that it is providing good food for babies to “*Start healthy, Stay healthy.*”

		
<p>Nestlé power banks with the slogan that is clearly identifiable with Nestlé formula products are donated to different levels of health workers at various locations in Nigeria.</p>	<p>“<i>Start Healthy, Stay Healthy</i>” Crocs-styled shoes donated by Nestlé to health workers. Such gifts are prohibited by the Nigerian law.</p>	<p>Nestlé poster on infant and young child feeding displayed in a private hospital promotes Nestlé cereal, a product covered by the Nigerian law.</p>
		
<p>Implicit in this Nestlé poster is the near equivalence of infant and young child feeding with Nestlé’s “<i>Good Food, Good Life</i>”. Mothers will get the impression that Nestlé products are endorsed by the hospital in which the poster is displayed.</p>	<p>At a medical conference, Nestlé invites health professionals to join the Nestlé Nutrition Institute to “<i>Connect to Knowledge</i>” and to receive benefits such as scholarships, service or research awards. Two of the banners found at the conference show the unabashed display of the “<i>Start Healthy, Stay Healthy</i>” logo that is representative of Nestlé’s formula products. Another slogan, “<i>together nurturing healthier generations</i>” imparted to conference attendees suggests a partnership that can only give rise to conflicts of interest.</p>	

What's Happening In Singapore

In an online article by the Straits Times (10 May 2017) on the high cost of formula products, a mother was reported as saying that her son was fed Nestlé's **Nan** formula milk at the hospital from the day he was born, and she was not asked about her preferred brand. This may have led to him being unwilling to be breastfed and unwilling to switch to another brand that she preferred, according to the mother. Singapore's weak voluntary Code has a heavy industry influence and allows Nestlé to infiltrate health facilities in numerous ways. Its highly aggressive marketing techniques can be found in various public and private health facilities and they are carried out with the overt consent of health care facilities.



Left - Nestlé cot cards bearing the “Nestlé Start Healthy, Stay Healthy” slogan are displayed on cots of new-born babies in a hospital nursery. No brand name appears on the cards but the slogan is easily visible and a clear link can be made between Nestlé, healthy babies, and its products.

Editorial Note: A complaint was made about the cot cards to Nestlé's headquarters in Switzerland in August 2015. Nestlé responded that the cot cards do not violate the Singapore Code but indicated the offending cards have been removed as the company appreciated the sensitivities the cot cards may bring about.

Right - Nestlé joins hands with a private hospital to offer sets of “Companion Sustenance Kit” comprising of energy bars and drinks to family members of patients to “keep them refresh while on the move”. Drinks can be taken from a coffee machine placed prominently in the delivery ward. The accompanying paper cups advertise **Nan Pro 2** and **Nan Gro 3** which indirectly promotes **Nan Pro 1** for newborns as they share the same name and logo and patients and visitors could easily relate one to the other.



To celebrate the birth of their babies on Singapore's 50th year of independence (2015), mothers at a private hospital received a huge Nestlé gift hamper. Included in the hamper is a baby car seat, 4 boxes of Mom & Me milk for mothers and other gifts. On top of that, new mothers also received a jubilee commemorative coin, courtesy of Nestlé. For a company which prides itself for being supportive of the International Code of Marketing of Breastmilk Substitutes, these gifts surpassed those of its competitors and the Nestlé name and logo will no doubt be ingrained forever in the mind of parents. Pricey long term investment and precisely what the International Code seeks to prevent from happening in hospitals.

Sneaking product promotion into the Kartini Programme in Indonesia

Since 2014, Nestlé has been partnering with local Indonesian authorities in the Kartini Programme, named after an Indonesian iconic activist who pioneered education and rights for women. The programme is set up to train community midwives to provide counseling on exclusive breastfeeding. From hiring midwives in rural areas to work with mothers in grassroots communities, to sponsoring events in which products are promoted in hospitals where training programmes are held - the Kartini Programme is fraught with conflict of interest.



Evidence from social media reveals Nestlé's **Lactogen 3** banner right next to a screen showing a Nestlé corporate video during a training session at a hospital in neighbouring Malaysia. By only highlighting exclusive breastfeeding of the first 6 months, Nestlé ignores host country Malaysia's national policy and the global recommendation of continued and sustained breastfeeding for up to 2 years or beyond.



Bringing the Indonesian Kartini Programme to Malaysia is an added bonus for midwives who get a free trip.

After being challenged by IBFAN, Nestlé defended the programme, insisting that everything is carried out in accordance with Code articles 4.2 and 7.2. The company assured that there is no contact between new mothers and “marketing” personnel, all trainings are conducted by the local Association of Midwives, and its programme is handled by nutrition experts from an Indonesian university.

By claiming its compliance to the letter of the Code on the surface, Nestlé's Kartini Programme is in fact circumventing and violating the spirit of the Code, dismissing the fact that regardless of work capacity, these midwives and nutritionists are working to represent the interests of Nestlé.

The Kartini Programme garners goodwill for Nestlé's public image, which is essentially an effective marketing strategy aimed to fatten its “bottomline”.

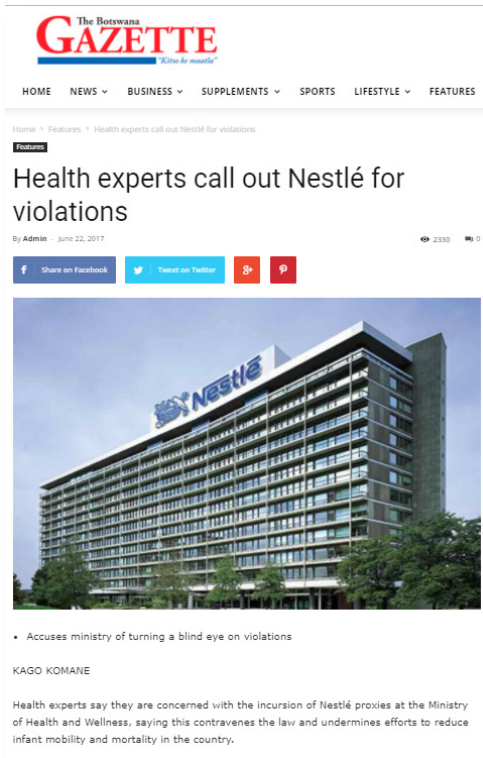
These events also serve as ready platforms for promoting Nestlé products. A Kartini participant's personal blog shows pictures of **Lactogen** boxes being used in a recycling activity in order to create brand awareness and familiarity among participants.



In addition to promotion of **Lactogen 3** participants have fun and learning how to recycle **Lactogen 1** boxes.



Furore in Botswana over Nestlé violations



An article in the Botswana Gazette (22 June 2017[<http://www.thegazette.news/?p=19761>]) regarding Nestlé's request for permission to share information with health workers about **FM85** - a breastmilk fortifier for pre-term babies - also reported sources as saying that they have observed Nestlé targeting pregnant women, mothers and health workers to promote its products.

They alleged the Ministry of Health is aware of but are reluctant to act because of incursions of Nestlé proxies at the Ministry of Health and Wellness. *"Some health professionals in our hospitals and clinics are known to aggressively promote the use of formula, by scaring mothers into thinking their milk is not sufficient for their new born babies"*, one source said. She added that health officials at the Ministry have been reluctant to pursue legal action against Nestlé, either from self-interest or intense lobbying from the company or foreign government representatives.

These actions, the source says, whether misguided or malicious, are contrary to existing legal frameworks and undercut the confidence of mothers in their ability to breastfeed and rob young babies of the most nutritious food they could consume.

If these allegations are true, Nestlé is certainly undermining efforts to reduce infant morbidity and mortality in the country.

Editorial note: Breastmilk fortifiers comes under the purview of the law in Botswana and promotion is not allowed.

The fight for the first sip of milk: Nestle China employees convicted of illegally obtaining patients' information from health workers

According to a report from the Chinese Legal Weekly (11/7/2017) six employees from Nestlé China including the regional manager, have been convicted for illegally obtaining patients' personal information from hospitals in Lan Zhou, capital of Gansu province. To gain market share, the employees also sent samples of baby formula to hospitals for the purpose of passing them on to parents of new-born babies, a practice forbidden by



Chinese regulations. Bribed health workers served as intermediaries.

The criminal ruling was issued by the Gansu Province Intermediate People's Court in May 2017 following an appeal from the 6 defendants. The heaviest sentence levied on the regional manager, is 1 year and 6 months and a fine of RMB 4000, followed by a 2 year probation period.

In response to what is dubbed *"the first sip of milk"* scandal is, Nestlé China said *"We completely respect the decision of the court, and our company is completely compliant with the national law, the International Code of Marketing of Breastmilk Substitutes and the Nestlé's Policy and Instructions for implementation of the Code"*. Nestlé appears to have gotten away scot free in this scandal while the regional employees shoulder the blame.

This case reveals the lack of internal management of Nestle China and the extent of aggressive and unethical marketing practices that takes place in China, the biggest formula milk market in the world. It also shows the lack of internal regulation within the healthcare systems.



Pictures source from iStock Photos.

SPONSORSHIP

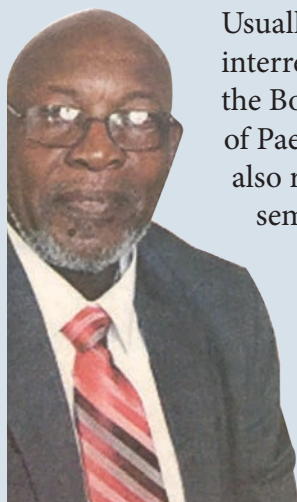
- **WHA 49.15[1996] & WHA 58.32 [2005]** warns against conflicts of interest where financial support and other incentives are provided by companies for programmes and health professionals working for infant and young child health.
- To avoid conflicts of interest in health facilities and throughout healthcare systems, the **Guidance on Inappropriate Promotion of Foods for Infants and Young Children [A 69/7 Add.1]** recommends that companies should not (i) give gifts or incentives to health care staffs and (ii) sponsor meetings of health professionals and scientific meetings.

The link between NNI and Nestlé unravelled

A great number of events are sponsored by Nestlé, either through local Nestlé business units or subsidiaries like **Wyeth** Nutrition or through the Nestlé Nutrition Institute (NNI), a Nestlé-owned, entity which gives “*science-based information and education*” on nutrition. Every company will justify setting aside money for R&D. Nestlé profits that go into the Nestlé Nutrition Institute do not only pay for researchers to improve products but serve to seduce health professionals by paying for lavish sponsorship of events and “education”. This worldwide practice pays off: thousands of health professionals are feasted every year and become loyal promoters of the company’s products.



A front for Nestlé to built goodwill and loyalty.



Professor Anabhwani finally did the right thing but only after some public outcry about his conflicting roles.

Usually, Nestlé and the health professionals who work with the company will deny the interrelation between NNI and Nestlé. However, according to documents unearthed by the Botswana Gazette in 2011, Nestlé conceded in a discussion with the Indian Academy of Paediatrics that funding for all NNI programmes comes from Nestlé. The documents also revealed that the same reps who promote Nestlé products issue invitations to NNI seminars.

Over January – February 2016, the Botswana Gazette published a series of articles showing how one Professor Gabriel Anabwani as the Executive Director of the partially government owned Botswana-Baylor Children’s Clinical Centre was serving two masters by doubling up as the Board Chairman of NNI Africa and thus violating Botswana’s health laws. At an inquiry at the Ministry of Health, Professor Anabhwani denied any wrong doing and allegedly refused to resign from one of his two conflicting roles. He eventually bowed to pressure and voluntarily stepped down from the Board of NNI Africa after serving it for 15 years. He did so to avoid further allegations of conflict of interests. Insiders at the Ministry of Health alleged that great political influence stifled the regulators from dealing with the matter sooner.

Examples below show how Nestlé, often through NNI, continuously disregards and violates the Code by promoting its products at meetings for health professionals. These activities evoke concerns about potential conflicts of interests which a number of World Health Assembly resolutions have warned against.



- Bangladesh - In violation of section 4(2)(b)(ii) of the 2013 national law which prohibits financial or other benefits to any health worker to attend or participate in any seminar or conference, Nestlé Bangladesh organised, in June 2016, a seminar for doctors at the five star Grand Sultan Tea Resort in Sylhet. It is a treat for invited doctors to sample the luxury and gracious hospitality courtesy of Nestlé. Most will be grateful and loyal to the sponsor.

■ Canada



NNI and Nestlé subsidiary **Wyeth** Nutrition were among 168 member organisations participating at the 2016 International Congress of Pediatrics (IPA) in Vancouver, Canada. As gold sponsors of the event, they were able to put up many exhibition booths and special displays. While NNI was able to attract visitors with materials offering scientific information, **Wyeth** took the opportunity to promote a full range of **Wyeth** S-26 formula milks. The slogan on the banner showing the **Wyeth** products was "Advancing Nutrition Science". This, no doubt, resonated with health professionals wilfully oblivious to the commercial angle.



An online service offering information on pre- and post-natal care and infant feeding aimed at reaching Francophone parents took an awkward turn when Nestlé came into the picture.

A high number of complaints were posted on the ICI Radio Canada website after the launch of the service leading the nurse fronting the initiative to defend her action. She asserted that there is no endorsement of any Nestlé product and that her priority in receiving the corporate partnership was to provide content to the less affluent. A "noble" stand which did not go down well with the Canadian public and the Nestlé corporate logo was quickly removed from the "Partners and Collaborators" page on her website. But the evidence of Nestlé's sponsorship is captured on screen in a picture taken during the launch of the service. (Circled in picture on the right).



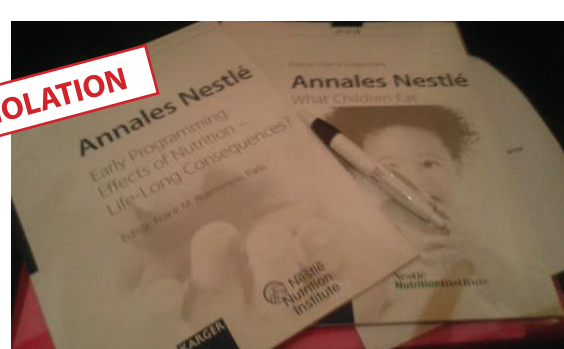
- Croatia - Two congresses in Porec and in Split, focussed on the importance of a proper diet in the first 1000 days in a child's life supported by the latest findings by NNI. **Nan Pro** formula products were promoted on large banners at an information booth and reps from Nestlé Croatia were on hand to make their pitch for a range of Nestlé products that were on display.



- Dominican Republic - Nestlé Nido combined forces with the Dominican Society of Pediatrics to produce a new Nestlé-sponsored “*Guide of Healthy Habits*”. Pediatricians pledged to use the company-led guide to teach parents on how to meet adequate nutrient requirements at each stage of a child’s development...with help from Nido, of course.



- Egypt - As “*Gold Sponsors*” of the International Congress of the Egyptian Society for Neonatal and Preterm Care in Hurghada, both Nestlé and Wyeth Nutrition were able to mark their territory with large booths complete with Wyeth Nutrition decorations and **Nan** and **Lactogen** posters and mock tins. These promotional materials serve as an incriminating backdrop for group pictures of conference delegates who are not very discerning about the company they keep.



- Lebanon - Nestlé in collaboration with the Lebanese Pediatrics Society, organised an evening symposium for health professionals and medical students at a local hospital in Beirut. The symposium, entitled “*Nutrition from Fetal to Adult Life*”, saw Nestlé taking the opportunity to promote the **Nido** brand, a milk product marketed for children 1+. An ad of the product appeared on the cover of the agenda with the slogan, “*Nourish their minds even more*” and there was an update on probiotics. Incidentally, **Nido** is fortified with *Prebio 1*, a prebiotic fibre that Nestlé claims benefits a child’s digestive system. Participants were provided with Nestlé publications on nutrition, stationery bearing product packshots and logos as well as goody bags containing free gifts. After the event, they were offered cocktails courtesy of NNI.



- Luxembourg - A one day conference organised by the Club Européen des Diététiciens de l'Enfance entitled, 'Le lait maternel: Un aliment ancestral qui nous étonnera toujours' (Breastmilk: A traditional food that always surprises us) was co-sponsored among others by Nestlé. The conference was held at a hospital where Nestlé set up exhibition booths and distributed product-related and highly promotional materials. Brochures for **NIDAL**, **Nan** and **Guigoz** formula products were also given to health workers at the conference.



- United Arab Emirates - Nestlé co-sponsored the Pediatric Update 2015, an event hosted by the Indian Academy of Pediatrics in Sharjah, United Arab Emirates. The venue was used to display Nestlé products including Nestlé **Nidina** infant formula and follow-up milk as well as **Nido** growing-up milks. Participants also received promotional materials and other give-aways at the exhibition booths.



- USA - Different varieties of the Nestlé **Gerber Good Start** brand were promoted at the 2015 National Conference and Exhibition organised by the American Academy of Pediatrics (AAP). Products promoted through exhibition booths and special displays include **Gerber Good Start Soothe**, **Gerber Good Start Gentle** and **Gerber Good Start Protect**. At the same event, delegates were invited to join NNI to receive "scientific nutrition information and education".

Editorial note: In March 2016, following concerns raised by AAP's Section on Breastfeeding, an agreement was reached within AAP to restrict company promotion and to prevent any implication that AAP's breastfeeding educational activities are sponsored by formula companies. It remains to be seen how strictly this arrangement will be adhered to in future.

LABELLING

- **Article 9** of the Code requires labels to NOT discourage breastfeeding and inform about the correct use of the product, the risk of misuse and abide by a number of other points.
- **WHA resolution 54.2 [2001]** advises exclusive breastfeeding for 6 months which means that the recommended age for use of complementary foods cannot be under 6 months.
- **WHA 58.32 [2005]** prohibits nutrition and health claims unless specifically provided for in national legislation.

From wandering ‘Blue Bears’ to fat birds taking flight to protective hands

Nestlé makes use of very few symbols to globally create brand recognition. The most ubiquitous are ‘Blue Bear’, a mother bird feeding her healthy chicks (known in breastfeeding circles as Nestlé "fat birds" as opposed to the skinnier ones depicted in the company logo) and the iconic Bifidus symbol in protective hands.

While the family of birds appear solely on breastmilk substitutes, the ‘Blue Bear’ and the bifidus symbol appear on both formula and complementary food products, revealing Nestlé’s disregard of the 2016 WHO Guidance on ending cross-promotion of breastmilk substitutes via the promotion of foods for infants and young children. (A 69.7/Add.1, Recommendation 5).



 <p>He is often found on labels and wandering around hospitals and shops.</p>	 <p>These fat birds are on all Nestlé formula labels except where national laws prohibit such images.</p>	 <p>These protective hands are a representative of a pregnant woman protecting her unborn child. Using the same symbol on various products facilitates cross-promotion.</p>
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 <p>‘Blue Bear’ on both complementary foods and growing-up milks constitutes cross – promotion (example from Chile).</p>	
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The ongoing migration of The ‘Blue Bear’

The ‘Blue Bear’ is Nestlé’s trade mascot to promote complementary foods. In many countries, however, it is also used to promote growing-up milks. Using the same mascot for complementary foods and for breastmilk substitutes is a clear case of cross-promotion.

Bifidus BL – the all time panacea among all ingredients

Bifidobacterium lactis, abbreviated as *Bifidus BL*, is a key additive in Nestlé’s formula and complementary food products, even in milks for pregnant and lactating women. The probiotic is described as “*similar to those found in digestive systems of breastfed babies*” and is supposed to support both the digestive and immune system.

Bangladesh wipes out Nestlé's fat birds



Bangladesh



Pakistan

While in Pakistan and many other countries the fat birds are the centrepiece of formula labels, Bangladesh has obliterated them.

The Code explicitly states that “neither the container nor the label should have pictures of infants nor should they have other pictures or text which may idealise the use of infant formula”. Nestlé argues that the birds in a nest are the trademarked logo and do not idealise. The fat birds, however, are very different from the trademark and symbolise nurturing and good nutrition. A handful of countries have succeeded to remove the image from Nestlé's products. One such country is Bangladesh which exemplifies how good labelling provisions will give companies no option but to comply.

Mixing apples and oranges in India

The International Code provides clear definitions for breastmilk substitutes and complementary foods. Nestlé deliberately disregards these definitions in India where Nan Pro 2 follow-up milks and Nan Pro 3 growing-up milks are being described as “*FOLLOW-UP FORMULA - COMPLEMENTARY FOOD*”. Since when is liquid formula complementary food? Nestlé's reason for this ambiguous labelling is open to speculation but it confuses mothers and undermines the efforts of policy makers to protect mothers from inappropriate marketing of breastmilk substitutes.



**“Ambiguous labelling
Why does Nestle call liquid
formula, complementary food?”**

A position paper which could shed some light on the deliberately confusing labelling, was published in 2017 by, the European Society for Paediatric Gastroenterology, Hepatology and Nutrition (ESPGHAN), whose activities Nestlé funds. It correctly states that “*Exclusive breastfeeding (EBF) as defined by the WHO means that the infant receives only breastmilk and no other liquids or solids except for drops or syrups consisting of vitamins, mineral supplements, or medicines*”.

However, the ESPGHAN paper then goes on, without citing any reference, to give a strained new definition of

complementary food: “*Anything other than breastmilk is defined as a complementary food; thus, infants who receive infant formula are considered to have started CF, even if this is from birth*”. This is very strange indeed.

Such an approach would allow Nestlé to contend that all its formula products are complementary foods and may thus be promoted. It was the approach tried by industry with respect to follow-on formula in Viet Nam when the national law was being drafted but, while it initially sowed confusion, the argument did not convince the Vietnamese government and was dismissed.

With this strange labelling now uncovered in India, we are looking at interesting times ahead.

PROMOTION OF GROWING-UP MILKS

The **Guidance on ending inappropriate promotion of foods for infants and young children** issued by WHO in May 2016 reaffirms that breastmilk substitutes should be understood to include any milks that are specifically marketed for the feeding of infants and young children up to the age of 3 years and including follow-up formula and growing-up milk.

Through this Guidance, it becomes clear that growing-up milks are covered by the scope of the Code and should not be promoted, something industry has been disputing for many years.

This part of the report documents the way growing-up milks have been promoted by Nestlé, both before and after the Guidance was issued.

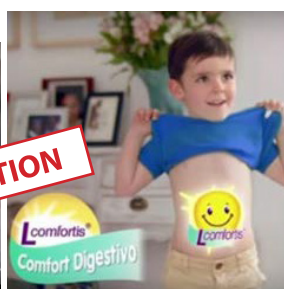
■ Dominican Republic



Nido growing-up milks on special promotion in a supermarket and is promoted as a good source of “*protection and nutrition*” for young children.



The slogan “*each stage brings its challenges, each nest its benefits*” is displayed alongside the Nido packshot on a shelf-talker in a poetic claim about the benefits Nido offers to young children.



■ Ecuador (Right) - The slogan “*happiness that shows*” is used in a Nan 3 TV ad available on Youtube to imply that the product makes mother and child happy and healthy.

(Left) - A sequence showing a child showing off a tummy that radiates an “*Lcomfortis*” smiley sun to represent digestive comfort.

■ Egypt



On the NanGrow 3 label, Nestlé makes claims that *Optipro* and other ingredients can provide a “*nutritional foundation for life*”.



On its Facebook ad campaign, Nestlé claims that Vitamin B in NanGrow 3 “*helps develop motor skills*”.



To top off the misleading messages, mothers get pampered with a “*body splash & cream*” when they buy two tins of NanGrow 3.

■ Hong Kong



In a busy subway station, **NanPro 2** and **3** (follow-on and growing-up milks) are promoted on a huge screen. The ad with the slogan “*Happy tummy, happier baby*” solicits direct contact with parents by providing a phone number to “*Nestlé Nutrition Service*”.



Another ad featuring a series of **Nan Pro** products with the claim that its “*OptiPro water-soluble protein can reduce allergy to protein in cow’s milk*” appears in a number of parenting magazines found in private maternity clinics. The ad, also states **Nan Pro** products can “*provide your baby with an extra layer of protection*”.



- Indonesia - SMS messages are sent to parents directly from “*Nestlé House of Nutrition*”, urging them to “*get latest information for pregnant women and children aged 1-5 years. Become a member and get other benefits.*” What kind of information is Nestlé likely to give to “*parents of children aged 1-5 years*”?

■ Malaysia



At a big chain supermarket, brochures of **Nankid Optipro 3** and **Nankid Optipro HA 3** in three languages are available for customers. Blurring the line between information and promotion, a slogan in the brochure says “*give your child a great start in life*”. Nestlé also claims **NanKid** has the “*most advanced protein*”.



At the **NanKid Optipro HA 3** launch in April 2017, Nestlé assumes the role of “educator” to help parents embark on a discovery journey to learn more about proteins. The campaign features three robot figures “*Optiprogessor*”, “*Optiprotector*”, and “*Optiprofessor*”, which are associated with “*progress*”, “*protection*”, and “*intellect*” (professor) – all important elements that parents value in child nutrition and development. These “*campaign ambassadors*” are supposed to “educate” parents on *Optipro*, Nestlé’s self-proclaimed “*most advanced protein*” that is easier for digestion and absorption.



At a supermarket chain, “manned” by “*Optiprogessor*”, “*Optiprotector*”, and “*Optiprofessor*”, the three campaign ambassadors, a **NanKid** promotional counter greets parents with the slogan “*building a strong foundation for life*”. While the focus is on the #3 milk, **NanKid** #4 milks and Nestlé’s mother’s milks are being promoted at the counter too. The counter is also positioned right in front of the shelf displaying Nestlé’s #1 and #2 milk products. Cross promotion - double violation.



The official Facebook page of **Lactogrow 3** highlights the product’s exclusive fortified ingredient “*Gentle Grow*”.



Lactogrow 3 not only helps him grow but keeps his tummy happy and healthy!



The comment section on Facebook declares that **Lactogrow 3** is “*Not a breast milk substitute*”. This conflicts with WHO Guidance that defines growing-up milks as breastmilk substitutes.

■ Singapore



A Nestlé-sponsored mini-track for toddlers has found its way to one of Singapore's leading supermarkets. Designed for children to engage in traffic games, it is lined with promotional banners of **Nan Gro 3** and the slogan "*nurture your child's potential*".



While waiting for the subway, parents are greeted by big banner ads of **Nan HA 3** between platform doors, that bear the slogan "*Nurture your child's potential*". These subway ads are carefully placed to ensure maximum visibility.

■ Trinidad & Tobago



The slogan "*A healthy toddler, is a happy toddler!*" is used to describe **Lactogen Junior 3** on a gondola-end in a supermarket. The heart shape graphic with the picture of a child being measured for his height depicts love and healthy growth. It also serves to idealise the product.



Violation combo -The "*happy toddler*" slogan on the shelf-talker comes with the health claim "*May help to promote a healthy gut flora and regulate digestion*". Free baby wipes are offered with every purchase.



To confuse parents, signs that say, "*Breast Milk is Best*" are placed together with **Lactogen Junior 3** to suggest that the product is comparable to breastmilk.



Using the excuse of “education”, Nestlé, with the help of the Vietnam Association of Paediatrics, reached out to parents by sponsoring a child health workshop. As expected, the “*educational workshop*” turned out to be a cover for a **Nan OptiPro HA 3** promotional fanfare, with posters, backdrops, counters, and other promotional decorations at the 5-star hotel venue in Hanoi.



Gift bags galore at the hotel venue so mothers do not leave empty-handed. **Nan OptiPro HA 3** certificates were given to participants by the Vietnam Association of Paediatrics. The question therefore arises as to whether the association's primary duty is to public health or to Nestlé?



(**Left & Centre**) Nestlé introduced its 'top premium' growing-up milk, **Nan Pro Gold 3**, to parents at a luxury hotel. As the pictures show, while mothers are being “*schooled*” on these premium products, they also receive bags full of gifts from company representatives.

(**Right**) Using celebrities for endorsement. Miss Vietnam/Miss World, Huong Giang, with her own baby, promotes Nestlé products

COMPLEMENTARY FOOD

Complementary foods are covered by the scope of the Code if they are intended to be bottle-fed or marketed in the following ways:

- For use during the first six months of life, when exclusive breastfeeding is recommended;
- Marketed or represented to be suitable for use as a partial/ total replacement of breastmilk.
- Certain **WHA Resolutions and Guidance** documents also place restrictions on the marketing of complementary foods.

Promotion before 6 months

Nestlé labels its complementary food products in industrialised countries as suitable for use from 4 months, going against the WHO global recommendation of 6 months exclusive breastfeeding. It takes advantage of the fact that most of these countries have yet to translate this recommendation into their national legislation or policies and instead place the minimum age for introduction of solids at 4 months. In such countries, the promotion of complementary foods below 6 months may not be illegal, unlike in many developing countries. However, Nestlé is still undermining the global recommendation on exclusive breastfeeding by maintaining different standards in different countries. As a multinational corporation, it should adhere to the minimum standard set by the Code and subsequent resolutions as well as the 2016 Guidance on Inappropriate Promotion of Foods for Infants and Young Children (A 69/7 Add.1).

Editorial Note: As with its formula products, Nestlé inappropriately markets its complementary food products in various ways, across multiple countries. The violations shown in this section were received between the year 2014 and 2017 and are split by theme. The dates the images were received are noted in this section to indicate whether the violations were reported before or after the Guidance was issued by WHO in May 2016.

		
<p>■ Czech Republic, 28/12/2015. - The feeding bottle and the 4 months age recommendation mean that the product is a breastmilk substitute under Code Article 2 and there should be no promotional discount.</p>	<p>■ Luxembourg, 30/12/2016. - Here the age recommendation is 4/6 months and the image of the feeding bottle brings the product under the scope of the Code. There is a forbidden claim in the form of a protective hands logo to represent the immunity that its <i>Bifidus B</i> content is promised to bring. (Circled)</p>	<p>■ Spain, 10/07/2017 - "At night, during the day, nutrition at any time" - a milk cereal with 80% follow-on milk. Although it is indicated as suitable for use from 6 months, the feeding bottle on the label brings the product under the scope of the Code. If Nestlé has its way, there will be no slot available during the day or night for breastfeeding.</p>



- Romania, March 16-19, 2017 - At a Baby Expo in Bucharest, mothers were encouraged to sign up to a baby crawling competition. The Nestlé 'Blue Bear' mascot was in attendance.

Conflicts of interest within health systems

WHA 58.32 [2005] urges that financial support and other incentives for programmes and health professionals working in infant and young child health do not create conflicts of interest. The 2016 Guidance (A 69/7 Add.1) also places focus on conflicts of interest for companies that sell foods for infants and young children. Recommendation 6 urges that such companies should not:

- Donate or distribute equipment and services to the health facilities;
- Sponsor meetings of health professionals or scientific meetings;
- Use health facilities to host events, contests or campaigns;
- Give any gifts or coupons to parents or caregivers;
- Directly or indirectly provide education to parents or caregivers on infant and young child feeding in health facilities.

The Nestlé's marketing policy is weak around the regulation of conflicts of interest (see *Where Do They Differ?* p.132 under General Information) and various infringements around this have been documented.



Colombia, 29/01/2015
- A height chart with 'Blue Bear' and *Bifidius B* logo promotes Nestum in a hospital.



Congo, Democratic Republic, 2/07/2017 - **Cerelac** poster found in a room where a training is conducted in a hospital.



Dominican Republic, 4/06/2017 - Medical follow-up chart that the Paediatric Association distributes to health facilities bears the Nestlé/**Nestum** name on the side where the patient's name and particulars are written.

 <p>VIOLATION</p>	 <p>VIOLATION</p>	 <p>VIOLATION</p>
<p>■ Ecuador - September 2016 - Medical office decorated with a Nestlé 'Blue Bear' border.</p>	<p>■ Guatemala - July 2016 Nestum Facebook post advertising a videochat about baby's psychomotor development.</p>	<p>Guatemala - July 2016 Educational poster on child nutrition with the Nestlé 'Blue Bear' and Nestum logo.</p>

■ Russia

 <p>VIOLATION</p>	 <p>VIOLATION</p>
<p>February to July 2017 - Posters in Russian health facilities show Gerber (introduction at 4 months) and Cerelac (with nutritional claims) complementary foods accompanied by 'Blue Bear', the Cerelac brand mascot.</p>	<p>On 11/07/2017 - A display cabinet with product samples was found at a medical university.</p>

 <p>VIOLATION</p>	<p>■ Sweden, 6/03/2017 - A sample of complementary food (from 8 months) was sent to a mother unsolicited. Her contact details were obtained from hospital records.</p>
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11/11/2015 - the Nestlé 'Blue Bear' is paraded along hospital wards, inappropriately promoting its complementary foods. Nestlé representatives also wear T-shirts with the "Start Healthy, Stay Healthy" slogan. 'Blue Bear' stickers are seen on new-born baby cots, an indication that Nestlé is encouraging early initiation of complementary feeding.

Weaning Your Baby After 6 Months - A Nutritious Headstart

Programme:

- 1.30pm - Registration
- 2.00pm - Baby Nutrition Talk by Dr. Liew Woei Kang (Consultant Paediatrician, SBCC Baby & Child Clinic, Gleneagles Medical Centres)
- 2.45pm - Baby Recipe Demonstration and Menu Plans
- 3.30pm - Q&A
- 3.45pm - Tea Refreshments

Time: 2.00pm - 4.00pm

Venue: Gleneagles Hospital, Lecture Theater, Level 3



Nestlé Baby Club Singapore

Sponsored - @

Preparing to wean your baby - when and how to begin? Started weaning but still have questions? Join us and learn about this exciting milestone from the experts. Admission is FREE!

For programme and registration details, click here: http://bit.ly/Weaning_Workshop

...er today! :)

6/09/2016 - Nestlé Baby Club organised a workshop at a private hospital for parents to learn about weaning after 6 months (direct provision of education within health facilities). Parents received free gifts including **Cerelac**, **Gerber** puree and juice and a height chart.

Labelling- Nutritional claims and use of stages

WHA 63.23 [2010] recommends that nutritional and health claims are not permitted for foods for infants and young children (including complementary foods). The 2016 Guidance (A 69/7 Add.1) also has implications on the labelling of complementary foods. It recommends:

- Messages on complementary foods should always include a statement on the need for breastfeeding to continue through 2 years and that complementary foods should not be fed before 6 months;
- Messages must not include any image or representation to suggest use for infants under the age of 6 months, including references to milestones and stages.

Using milestones or stages allows companies to promote complementary foods as suitable for an undefinable age group. For example, babies could be 'supported sitters' from as young as 3 months old. Switching from "age" to "stage" lowers the age range of the target group and undermines the global public health recommendation of exclusive breastfeeding for the first 6 months of life.

		
<ul style="list-style-type: none">■ Guatemala, July 2016 - Nestum Centro Facebook post referring to “stage” instead of “age” and nutritional claim.	<ul style="list-style-type: none">■ Mexico, 13/02/2017 - Internet advert for Gerber apple juice for “Stage 1” babies.	<ul style="list-style-type: none">■ Singapore, 22/12/2016 - Nutritional claims on promotional banner in a supermarket.
		
<ul style="list-style-type: none">■ Russia, 22/03/2017. Stage 1 with nutritional claim and protective hands logo.	<ul style="list-style-type: none">■ Vietnam, 6/07/2014. This Gerber product has a vague "sitter" logo instead of an age. The label is written in English and does not make clear to the Vietnamese population when babies can start using the product. The label also contains an idealising claim, "Baby's #1 Brand for Iron".	

Violating national laws

Certain countries (Pakistan, Afghanistan and Botswana mentioned here) have included complementary foods into the scope of their laws. Their more restrictive legislation means that what might be considered legally appropriate marketing in some countries is against the law in their country.

	<p>■ Afghanistan, 14/07/2015 - The ‘<i>Afghan Regulation on Support and Promotion of Breastfeeding</i>’, prohibits promotion of complementary foods. Nestlé put up a Cerelac billboard with nutritional claims and marketed the product for ‘stage 1’ babies. This abhorrent marketing led the Afghanistan government to issue a warning to Nestlé. They also installed billboards to promote exclusive breastfeeding and to inform companies and the public about the Afghan Regulation.</p>
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- Botswana, 14/4/2015 - 10/5/2015 - Under Botswana's national law, foods for infants and young children may not be promoted through discounts or special sales, nor should there be any newspaper/ magazine inserts promoting such products. The Ministry of Healthy found Nestlé violating the law and promoting various products (**Cerelac**, **Nestum** and **Nido**) in several large chain supermarkets.



- Pakistan, 08/05/2015 - Pakistani law bans the promotion of complementary foods. This did not stop Nestlé from putting up large **Cerelac** billboards along busy roads to promote the product with idealising images of mother and child.

Influencer Marketing; Social Soup in Australia

Influencer marketing is a crafty strategy that has arisen in the advent of social media and online communications. Social Soup, which claims to be Australia's largest influencer community, is one such community which Nestlé partnered with to stretch the rules and to artfully target mothers on its behalf.

Social Soup used the “*Peer-to-Peer influencing strategy*” (whereby members of the public sign up to get exclusive access to products to test and are encouraged to share their reviews on social media platforms) to promote Nestlé's **Cerelac**. It was so successful that a Case Study video was published on their website.¹

The video shows how mothers were recruited “*at exactly the right time*” (when their babies were 4 months old), and sent on a “solids journey” with two “*generous packs*” of **Cerelac** (one at 4 months, one at 6-8 months). Mothers were instructed to post ‘supercute’ photos with the #SolidsJourney hashtag, which fed into live campaign hubs and the Australian Nestlé Baby website. Across 3 years, 27,000 mums were given Cerelac and became unwitting brand ambassadors. Nestlé achieved a 33% growth in its market share and moved from number 4 to number 2 in the cereal category.

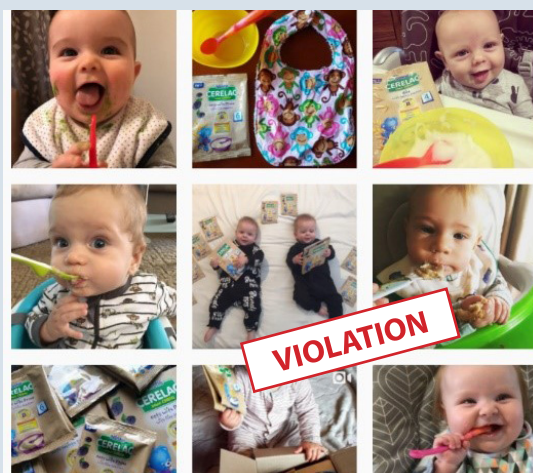
Nestlé completely disregards the global recommendation of 6 months exclusive breastfeeding that it claims to support in marketing **Cerelac** for use under 6-months. Since the product is marketed as suitable for us by babies under 6 months, it also counts as a breastmilk substitute and should not be promoted using tactics that violate Article 5 of the Code (manufacturers must not directly/indirectly provide free samples, and marketing personnel must not seek direct/indirect contact with mothers). Nestlé passes the buck onto weak Australian national measures (the Australia New Zealand Food Standards Code 2.9.2, which places a minimum age for introduction of solids of 4 months), to claim it complies with all applicable laws and regulations and glorify its commitment to following the Code “*as implemented by national governments.*”

Social Soup, on the other hand, claims exemption from Clause 5 of the Marketing in Australia of Infant Formulas (based on Code Article 5) because it is not an importer or manufacturer. Through Social Soup, Nestlé pursues more aggressive marketing strategies than it could do so alone.

Conveniently, the Nestlé Policy does not clarify its stance when it comes to using third-parties or social media platforms to promote its products. The company chooses to ignore the fact that Social Soup is acting as its agents whose acts it must be responsible for. Clearly, Nestlé is aiding and abetting Social Soup in breaking and stretching the rules here.

Editorial note: The Infant Feeding Guidelines issued by the National Health and Medical Research Council of Australia has steadily inched the recommendation for exclusive breastfeeding to “around 6 months of age+”. Nestlé should stop representing its products as suitable for infants from 4 months just to make a few extra bucks off Australian babies.

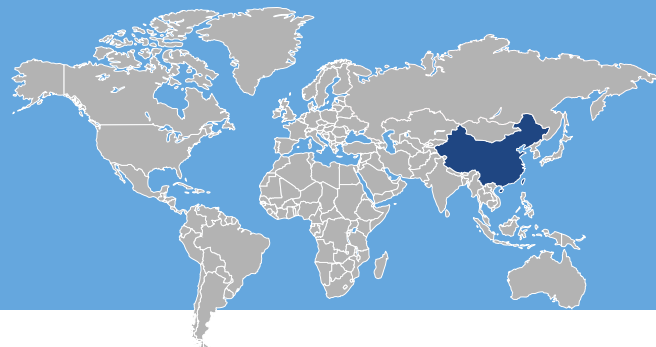
SOCIAL SOUP



Product used in the Social Soup campaign.







¹ Social Soup, 'Peer to Peer Influence; Case Study- Nestlé CERELAC', <http://corp.socialsoup.com/products/peer-to-peer-influence/#.WSemp2h942w>

LOOK WHAT THEY'RE DOING IN CHINA



Assuming the role as the “1000 Days” health expert

Nestlé's 1000 days initiative in China is painted as a campaign which provides “*excellent care for a 1000 days, excellent lifetime protection*”. The Nestlé China website artfully combines the 1000 days initiative with its Start Healthy, Stay Healthy (SHSH) slogan to project Nestlé as health and nutrition advocate. It offers direct hotline service for parents to field questions pertaining to the first 1000 days of life and guides parents to a list of education workshops in major cities where it could reach out directly to parents. The services of Nestlé's “*scientific nutrition consultant*” are offered at distinct stages of the 1000 days journey, enticing pregnant women and mothers at various stages to sign up as members of the “Nestlé Mothers Club”. When they join, members are offered personalised information on how to feed and care for babies, targeting different milestones throughout the 1000 days. While Nestlé is careful not to promote its products in the messaging about its services, these services provide a platform to promote products under the Nestlé Nutrition business portfolio as its SHSH slogan has the effect of idealising its products.

		
<p>“Excellent care for a 1000 days, excellent lifetime protection” is a recurring Nestlé theme in China.</p>	<p>Nestlé “guarding the first 1000 days of your baby with you” by providing nutrition knowledge and breastfeeding guidance.</p>	<p>“The secret code of nutrition for the first 1000 days – starts here!” Nutrition tips at your finger tips.</p>
 <p>VIP treatment from Nestlé – 24/7 personalised information on how to care for your baby.</p>	 <p>Workshop topic - “Do you know - in China, 40.9% of 0-24 months old babies have had or are having allergy symptoms?” Nestlé has the solution.</p>	 <p>Problems? Hurting nipples? Not enough milk? Clogged milk ducts? Click to find the answers to your 1001 questions. Nestlé takes on the role of health experts to provide tips.</p>

Golden marketing formula: public sector and academia

Apart from providing direct professional consultation and conducting educational classes, Nestlé uses its partnerships with community health programmes and academic institutions to gain goodwill and reach a wider public audience with its “1000 days” campaign. Conflicts of interest is imbedded within these partnerships as public institutions have a fiduciary duty to promote breastfeeding while Nestlé’s interest is in making profits from selling baby foods.



Government officials and community leaders at the launch of the “Beijing Community Activities Series and Nestlé Mother and Child 1000 Days Health Action”, kicking off 3000 sessions of maternal and infant health workshops in the community.

健康营养素摄入不均衡是我国城市孕乳母及婴幼儿健康面临



Nestlé launches the findings of the “1000 Days Maternal Infant Nutritional Growth (MING)” research, a partnership with the prestigious Peking University. Such partnerships operate as a form of endorsement of Nestlé's, thus enhancing its reputation and legitimising its marketing behaviour.



VIOLATION



Public event in Shanghai celebrating the one-year anniversary of the online “Nestlé Mothers Good Pregnancy Institute”. Celebrity mother Ye YiXi, nutritionists, and health professionals are guest speakers.

Deliberate wrong messaging on complementary feeding

Upon entering its website, Nestlé announces that it supports WHO's recommendation of exclusive breastfeeding for the first 6 months and continued breastfeeding throughout the duration of complementary feeding. On its complementary food page (cereal products), the recommended age is 6 months. This is the age indication reflected on the label of complementary food products Nestlé markets in China. However, there is a "supported sitter" page on the website which the main banner defines as "4-6 months, able to sit up with support, support the body with straight elbows when in crawl position, and swallow non-solid foods". The suggestion here is that babies are ready for complementary feeding as early as four months. This message contradicts with the company's claim that it supports 6 months of exclusive breastfeeding in China. It suggests to parents that they can initiate early complementary feeding during a period when babies should be exclusively breastfed. This type of messaging to promote complementary foods in China shows that Nestlé completely disregards the latest Guidance on ending the inappropriate promotion of foods for infants and young children (A 69/7 Add 1).

		
<p>"Nestlé totally supports and encourages continued breastfeeding and complementary feeding under the guidance of healthcare professionals or organisations!".</p>	<p>According to Nestlé, babies can swallow non-solid foods at 4 months but should they? What is the company implying here?</p>	<p>Contradiction and confusion – Labels recommend cereals from six months but information from the Nestlé website suggests otherwise.</p>






Promoting growing-up milks as if they are not covered by the scope of the International Code

By promoting growing-up milks on its website, Nestlé again completely disregards the latest Guidance on ending the inappropriate promotion of foods for infants and young children (A 69/7 Add 1) which clearly iterates growing-up milks is a breastmilk substitutes and therefore promotion is prohibited.

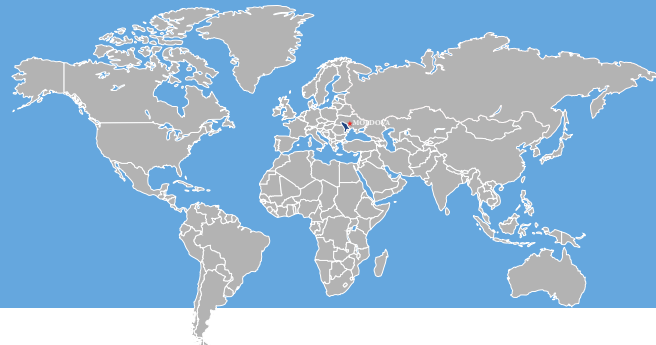
	
<p>A glance at the Nestlé website shows that the company promotes growing-up milks after 12 months. It needs to study and abide by the Guidance (A 69/7 Add 1).</p>	

Blessings from Heaven

Nestlé makes bizarre claims about additives and special formulation in its baby food products. They are described as “*blessings from heaven*” that can benefit digestive, bone, teeth, and immune system developments. Chinese consumers will be easily seduced by such culturally well-targeted claims.

		
<p>For its Nan series, the mild micro particles in <i>Optipro</i> is supposed to provide protection that is the same as a "<i>blessing from heaven</i>" offering protection in "<i>prevention</i>", "<i>absorption</i>", and "<i>metabolism</i>".</p>	<p>Nestlé describes the micro particles of <i>Optipro</i> protein as of "<i>high quality and in the right amounts</i>" and "<i>closest to the nutritional needs of your baby</i>".</p>	<p>Another claim on how its added activated probiotics helps build a healthy "<i>micro organic environment</i>" in the body.</p>
		
<p>'Scientific' nutrition includes DHA for visual development, vitamin C for accelerating the absorption of iron, whey protein that provides multiple kinds of amino acids, calcium for bone and teeth development, and zinc for appetite improvement.</p>	<p>Mild protection, mother's love given from heaven.</p>	

LOOK WHAT THEY'RE DOING IN MOLDOVA




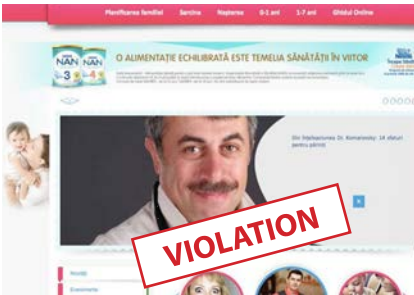

Champion Code violator in Moldova

RESOLUTION No. 338/2011 on the Approval of Sanitary Regulations on Infant Formulae and Follow-on Formulae governs the marketing of breastmilk substitutes in Moldova. Although not part of the EU, Moldova seeks to align its law with EU Commission Directive 2006/141/EC and like the EU Directive, Resolution 338 falls below the minimum standard of the Code. Code provisions relating to promotion such as the bans on point-of-sale advertising, samples, promotion in shops and contact with pregnant women and mothers are all missing from Resolution 338. Important WHA Resolutions touching on claims and conflicts of interest are also not reflected in Resolution 338 or other Moldovan food and safety regulations. In Nestlé's own assessment, Moldova is a higher-risk country. Following its own policy, Nestlé should be applying the Code in Moldova. This would have been in accordance with Code Article 11.3 which requires manufacturers and distributors to take steps to ensure that their conduct at every level conforms to the Code.

Monitoring conducted in Moldova in 2015 reveals that Nestlé disregards its own policy and the Code and is, in fact, the champion among Code violators in Moldova. The collage of images below show the many ways through which Nestlé violates the Code or stretches the Code to its absolute limits. Code violations shown here are in Moldovan and in Russian, one of the regional languages recognised in Moldova.







Focusing on Nan 3 in the public arena

The 2016 WHO Guidance has confirmed that follow-up formula and growing-up milks come under the scope of the Code. The images below show how **Nan 3** and **NAN 4** (indicated for use from 12 and 18 months respectively) are promoted in Moldova before the Guidance. Since the 2010 Nestlé Marketing Policy has not been revised, promotion of **Nan 3** and **Nan 4** continues unabated in Moldova.

		
<p>Famous talk show, "Dr. Komarovsky's School", discusses child care and advertises baby foods – including Nan 3 and Nestlé complementary foods starting from 4 or 5 months are advertised.</p>	<p>Dr. Komarovsky features again at www.eumama.md saying "A balanced diet is foundation of future health" pointing to Nan 3 and Nan 4 and the whole range of Nestlé products for first 1000 days.</p>	<p>From the eumama website, visitors are guided to www.Nestlébaby.ru, where Nan 3 and its <i>Optipro</i> formulation are promoted as containing "clever lipids, available also in breastmilk, to support brain growth, vision and to improve immunity".</p>




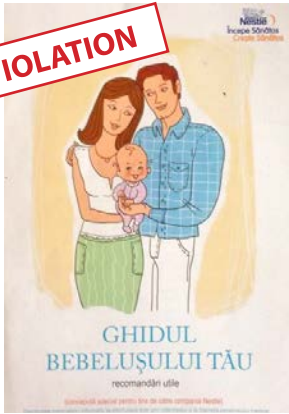





Health care facilities flooded with Nan 3 promotion







Nestlé uses health care facilities to reach mothers. Billboards, banners, posters, calendars, gifts and utility items for doctors, are some of the tried and tested ways the company deploys to gain favour with health facilities and get access to mothers and babies. The "Start Healthy, Stay Healthy" slogan which represents Nestlé's entire range of breastmilk substitutes products very often appear on the materials even where no product name is mentioned.

		
<p>Billboards with hospital name advertises Nan 3 but for those who cannot afford Nan prices, there is the cheaper Nestogen 3 option.</p>	<p>Inside health facilities, it is not unusual to see doctors wearing white Nestlé coats. Patients will see this as a medical endorsement of Nestlé products.</p>	<p>For good measure, multi-coloured scarves are distributed to staff to wear outside health care facilities. They are just as effective for promotional purposes.</p>
		
<p>The Nan 3 calendar tells readers, "Only 5% of child's health are genes. The rest is in your hands. Choosing the right food is essential child health now and in the future".</p>	<p>Everyone of these gifts for health workers -a water filter, calendar, glue, pen and the notepad bear the Nan 3 brand name.</p>	<p>This brochure for medical professionals says "Grow a healthy generation." It is placed among educational leaflets meant for mothers.</p>

Cultivating health workers




In Moldova, Nestlé publicises the fact that it has a long experience in organising specialised seminars, workshops and conferences for experts to share their knowledge and experience. Although the Code allows for information restricted to scientific and factual matters to be provided to health professionals, the pictures below show how Nestlé takes the opportunity to promote **Nan 3**.

		
<p>At a conference on infant feeding, a Nestlé banner states that correct nutrition is the basis of health for life, so 'start healthy, stay healthy'.</p>	<p>Health professionals feast as Nestlé promotes Nan 3 - “Our best product – a hypoallergenic food that strengthens the immunity after one year of age.”</p>	<p>Inside this Nan 3 plastic bag are promotional materials for mothers and health workers, all violating the Code. Contents are in next two rows.</p>
		
<p>"Guide to your baby" - Advice includes what to do if breastfeeding is impossible (choose a reliable brand, meaning Nan or Nestogen).</p>	<p>Nestlé says breastfeeding is the best but the “Start Healthy, Stay Healthy” slogan sends out mixed messages to mothers.</p>	<p>And just in case - the bag also contains instructions for preparing Nan formula.</p>
		
<p>Child nutrition for digestive comfort.</p>	<p>Parents guide to ensure baby's digestive comfort.</p>	<p>These hands symbolise “protection from the first day” so a healthy generation can grow with Nan products.</p>

		
<p>Entrance to a conference on risk of allergies is plastered with the "Start healthy, stay healthy" slogan and the Nan 3 brand name.</p>	<p>A giant screen idealises Nan3 while a Nestlé rep talks to a rapt audience about modern methods of preventing allergies.</p>	<p>If participants are unclear about what those modern methods are, the certificate of participation with the Nan 3 brand name will remind them.</p>
		
<p>A mock-up of a Nan 3 tin presides over a spread of hors d'oeuvres for participants.</p>	<p>Giant Nan 3 tin serves as a cocktail table so the name can register as people mingle.</p>	<p>Health professionals strike a pose to show how thrilled they are with their Nestlé gift bags.</p>

The rage is about "stage", not age

There is no age indication on the label of most complementary feeding products from Nestlé, just a reference to stages and the message is – from "First stage - we start complementary feeding". On its website, Nestlé divides its nutrition products into the following stages: nutrition for mothers, breastfeeding, first stage, 6 months on, 8 months on and 18 months on. Stage 1 is therefore clearly before 6 months.

		
<p>Baby menu for the first year shows complementary feeding starts before 6 months.</p>	<p>no age indication on the label ...just Stage 1.</p>	<p>This label contains the health claim that - "Improves the immunity, with bifidobacteria".</p>

In view of global public health recommendation for 6 months exclusive breastfeeding, products marketed for babies before 6 months of age come under the scope of the Code and should not be promoted but the pictures below show otherwise.

		
<p>(Left and Centre) - Products on display in a TV talk show; (Right) Young baby fed Gerber puree on TV.</p>		
		
<p>Nestlé contacts mothers through tasting competitions such as "Gastronomo Mania".</p>	<p>In another promotional campaign also captured on TV, Nestlé representatives visit families...</p>	<p>...and present them with baskets filled with Gerber purees, juices and other gifts.</p>
		
<p>A guide on how to choose the right porridge with the Nestlé 'Blue Bear' mascot and the protective hands logo leaves no doubt as to which brand parents should choose.</p>	<p>A Gerber ad says "We do everything right" but there is no age indication anywhere, just Stage 1.</p>	<p>Next to a UNICEF breastfeeding poster, Nestlé 'Blue Bear' promotes complementary foods for "parents who care".</p>

Editorial note: The above violations are obtained from a report prepared by Dr. Susanna Harutyunyan following a monitoring exercise carried out by a team of volunteer health professionals in the Republic of Moldova from May-July 2015.

LOOK WHAT THEY'RE DOING IN RUSSIA



In Russia, Federal law N 38-FZ (revised 2015) only minimally restricts advertising of breastmilk substitutes. Under its own marketing policy (last update 2010), Nestlé is supposed to adhere to the Code as a minimum in a higher-risk country that has not fully implemented the Code. Nestlé classifies Russia as a higher-risk country but it hides behind the weak national law and follows its own highly flawed interpretation of the Code¹ to continue breaking the rules in Russia.



The perfect sales pitch – “Grow Healthy – From the Very First Days”

Nestlé’s slogan “*Start Healthy, Stay Healthy*” for its range of formula products is linguistically and culturally adapted into Russian to mean “*Grow Up Healthy- From the Very First Days on*”. Same meaning and just as promotional.

The arrogance of Nestlé

Nestlé’s attempt to circumvent the Code in Russia is a reflection of its arrogance. It knows that the company’s vested interests will not be compromised and that it can escape prosecution for its marketing misdemeanours so long as it keeps to the letter of the weak national law. Taking this approach, Nestlé can continue with many types of promotion of infant and follow-up formula as well as complementary foods for infants below six months which not only violates the Code but falls foul even of its own marketing policy. The following examples show how:

Products displayed are breastmilk substitutes. Even going on Nestlé’s own faulty marketing policy, there should be no discount given on these products.

¹ For a detailed analysis on where the Nestlé’s policy differs from the Code, see *Where Do They Differ?* p.130

Products by Nestlé **Gerber** do not have any age indication on the front label. A closer look at the back of the product confirms that it is labelled as suitable from four months. The Code applies to all foods and beverages that are marketed or represented as suitable to be fed to infants less than six months old. Hence the promotion of the following examples violates the Code and is therefore prohibited.

		
<p>Nestlé Gerber fruit purées are promoted from 4 months - a period when babies should be exclusively breastfed.</p>	<p>Buy 3 for the price of 2. On the back label, is a recommendation for use from 4 months on.</p>	<p>No age indication is visible on the front label. A subtext in the ad says that the introduction at 4 months is allowed under Russian legislation.</p>



Nan 3 & Nan 4 and **Nestogen 3 & Nestogen 4** growing-up milks have become Nestlé’s trade mark products in Russia because Nestlé maintains these products are not marketed as breastmilk substitutes. The 2016 Guidance on Ending Inappropriate Promotion of Foods for Infants and Young Children (A 69/7 Add.1) confirms that all milks in either liquid or powdered form that are specifically marketed for feeding infants and young children up to 3 years is a breastmilk substitute but this is ignored by Nestlé. These products are promoted as the basis for the child’s future health and offering quality nutrition.

Claims regarding *Optipro* – a newly formulated protein - include statements that it is “*designed for optimal growth and development*” and that it contains “*Bifidobacteria to strengthen the immune system*” and “*special lipids of DHA for brain development*”.

The appearance of these “3” and “4” products that are marketed for children from 12 and 18 months of age are designed to resemble infant formula and follow-up milks in their respective range. Visually, the only difference between these products are the numbers 1, 2 and 3 which serve as a confusing stage indicator.

		
<p>Same colour, same claims, different numbers. Advertising # 3 works well to induce sales of #1 as well as # 2.</p>		

Apart from online discounted sales, popular social media platforms including Facebook and VK are used to promote Nestlé growing-up milks. Advertisements of young children enjoying a feed next to product packshots of **Nan 3** or **Nestogen 3** accompanied by promotional messages are common. To increase traffic, many postings call on mothers to share their experiences and views on infant nutrition through the comment section, a strategy which is effective in getting parental endorsements for Nestlé products. Nestlé also invites mothers to use the hashtag **#Nan 3 Optipro** to create a viral story by sharing their children's first **Nan 3 Optipro** drink, hence aiding and abetting mothers to promote its products.

		
<p>What to do if a child does not finish his/her milk – mothers can share their view here.</p>	<p>This child model is enjoying the premium Nan 3 milk in this ad...</p>	<p>... but here he has switched to fermented milk in a bottle to support his digestion.</p>

Two years in 30 seconds

A video on the Nestlé YouTube channel starts with the image of a pregnant woman followed by a sequence showing a loving mother breastfeeding her baby. Within seconds, the scene jumps to show a young baby being bottle-fed with **Nan 3**, "the unique formula with Optipro protein to support a healthy growth, development and immunity". **Nan 4** growing-up milk, for 18 month olds, is then shown at the very last seconds followed by the Nestlé logo and the Russian slogan "Grow Up Healthy- From the Very First Days On" as a parting message to tie up the promotion.

In one short video, Nestlé's promotion of **Nan 3** and **Nan 4** growing-up milks, manages to effectively quell WHO's recommendation of continued and sustained breastfeeding for 2 years or beyond.

My mummy has the right formula

Other than social media forums such as Facebook and VK, Nestlé also reaches out to mothers in Russia through other channels, including a well-known online website called Babyblog. It is a virtual forum for mothers to share and exchange experiences about issues regarding children's health, nutrition and development. Through this platform, Nestlé has discovered the ideal venue to promote **Nan 3 Optipro** as a product that supports children's optimal growth and development. Participation in various activities such as testing and reviewing free samples of **Nan 3**, blogging, viewing online lectures and passing tests on child nutrition enables mothers to collect reward points. By accumulating the reward points, mothers are rewarded with the title “*expert mum*” which in turn opens up opportunities to win valuable prizes.

 <p>VIOLATION</p>	<p>Active mothers can become expert mums and start advising other inexperienced mothers.</p>	 <p>VIOLATION</p> <p>Nan 3 Optipro is promoted with the misleading slogan - “<i>we create the basis for a healthy future</i>”.</p>
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1000 mums

Nestlé has launched a new initiative called “*Tips 1000 Mothers*”. As the name implies 1000 experienced mothers are recruited to share tips and advice via short video messages on infant nutrition, health and development. What first seems to be a helpful and informative channel for inexperienced mothers, turns out to be Nestlé’s newest strategy in Russia to promote growing-up milks. **Nan 3 & Nan 4** and **Nestogen 3 & Nestogen 4** baby milks appear discreetly in childcare videos to reflect the expert mum's endorsement for the use of growing-up milks.

 <p>VIOLATION</p>	 <p>VIOLATION</p>
<p>As Nestlé ambassador, this mother explains that it is important to include growing-up milks in children's diet after the first year of life.</p>	<p>Clever product placement - A video about playing games subtly incorporates a Nestogen 3 pack as a building block piece for children.</p>

Tour of Russian health facilities: sample violations in 10 cities

The presence of Nestlé materials in health facilities throughout Russia can be likened to Nestlé having taken a tour of the country and leaving a trail of violations behind. In fact, the company uses health care facilities as exhibition venues for their products and parents visiting these health facilities are regularly given leaflets and brochures that promote Nestlé products. The “*Grow Up Healthy – From the Very First Days*” slogan supports these promotional activities by insinuating that Nestlé products have a key role in early child nutrition and have the endorsement of the health facilities involved.



In a Saint-Petersburg health facility, a Nestlé **Gerber** poster, pinned on a white board, promotes jarred complementary foods from 4 months onwards. There is a 24/7 call line on the poster for mothers to get in touch with the company and the Nestlé Baby Club website.



In Smolensk, a large Nestlé promotional board has a variety of brand leaflets in specially constructed slots for visitors to pick up. One leaflet is on Nestlé **Gerber**'s jarred foods for 4-months old babies while another markets **Nan 3** as Nestlé's "best product".



A height chart found in a clinic in Smolensk promotes **Nestogen 3** and **Nestogen 4** with a **Prebio** "good digestion" logo that is also found in **Nestogen 1**. The young child pointing to his tummy on the chart illustrates the satisfying benefit of **Prebio** in supporting a child's digestion system.



A glass display counter in the Smolensk teaching hospital exhibits Nestlé products including **Nan 1** and **Nestogen 1**. Leaflets promoting **Nan 1** and **Nan 2** and **Gerber** complementary food products are also found at the same hospital.



A poster found in Moscow clinic advertises amino acid-based mixtures, **Alfaré Amino** and **Alfaré Allergy**, which Nestlé describes on its website as "close to the composition of breastmilk" but free of milk protein and lactose.

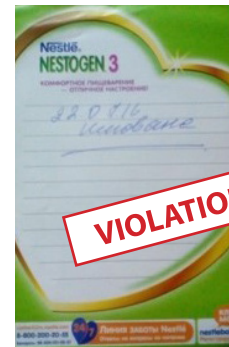
Another poster of **Nan 3**, **Nan 4**, **Nestogen 3** and **Nestogen 4** growing-up milks seen in children's clinics in Moscow and in Perm states "We create the basis for a healthy future".



In Kirov, a Nestlé information board is decorated with images of Nestlé's iconic 'Blue Bear', the mascot for the company's complementary foods. Leaflets advertising Nestlé's baby club can be obtained here.



In Orenburg, Nestlé has placed a large information board in a health facility to promote its products.



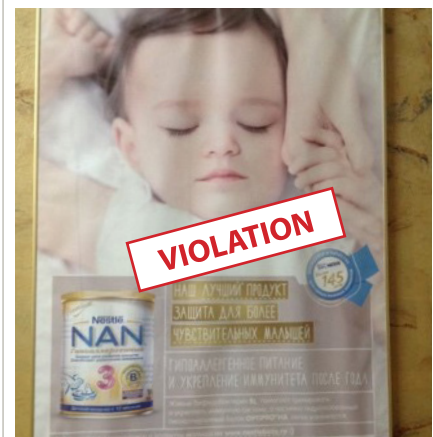
In Ufa, **Nestogen 3** note pads with the slogan "comfortable digestion-excellent mood" are distributed to parents by health workers in a polyclinic.



Again in Orenburg, a brochure promotes **Nan 3** hypoallergenic formula in a children's health centre. The claim made about the *bifidobacteria B* content in the product is that it is able to prevent allergies and support the immune system.



Practice guidelines for doctors published by a university in Samara advertises **Pre-Nan**, **Nan 1** and **Nan 2**.



In Barnaul, leaflets promoting the "super premium" **Nan 3** as Nestlé's best product are distributed in a children's polyclinic. The peacefully sleeping baby on the cover portrays the supportive effect of the hydrolysed milk for babies with sensitive tummies.



In Kemorovo, Nestlé distributes guidebooks with the title "Child's health - in your hands" in a children's polyclinic. The material shows a packshot of **Nan 3** with the reminder to parents that genes are responsible for 5% of their baby's health while the rest is in their hands.

Relevant logos and icons



General information & marketing approach

In 2012 Nestlé SA acquired the baby food division of Wyeth from Pfizer, and renamed it Wyeth Nutrition. Wyeth has early market entrance advantage in significant high-growth emerging markets, including China, where Wyeth is ranked first in the baby food market. Following its parent company Nestlé, Wyeth exploits the hijacked “1000 Days” campaign and assumes the role of breastfeeding advocate.

This pro-health facade allows Wyeth to position itself as an innovative nutrition science pioneer, claiming to develop “*premium-quality nutritional products that are scientifically-designed*” to meet the needs of infants and young children and delivering “*scientifically-sound solutions*” that offer parents confidence to nourish children and support healthy futures.

	<p>Without even the need to directly mention its products, this slogan serves to idealise them, contradicting Wyeth’s unabashed commitment to support exclusive and continued breastfeeding.</p>
	<p>To burnish its image as a child health expert, Wyeth supports the National Institutes of Health in the US, a reputable health research institute, to conduct studies on infant and child brain development.</p>

INFORMATION AND EDUCATION • PROMOTION TO THE PUBLIC • HEALTH CLAIMS

- **Article 4.1** ensures that objective and consistent information is provided on infant and young child feeding for families and those involved in the field.
- **Article 4.2** ensures that company materials to the public do not idealise the use of breastmilk substitutes.
- **Article 5.1** prohibits advertising and all other forms of promotion of products under the scope of the Code.
- **Articles 5.2 and 5.4** prohibit companies from giving samples and gifts to mothers.
- **Article 5.3** bans promotional devices at the retail level.
- **Article 5.5** prohibits marketing personnel from seeking direct or indirect contact with pregnant women and mothers.
- **WHA 58.32 [2005] and 63.23 [2010]** prohibit nutrition and health claims unless allowed in national legislation.
- **The Guidance on Inappropriate Promotion of Foods for Infants and Young Children [A 69/7 Add.1]** confirms that growing-up milk is a breastmilk substitute. Its promotion is thus prohibited under the Code.

■ China

		
<p>Illuma is Wyeth's key driver for business growth in China, it is hardly surprising that its formula milk is described as <i>"close to and in harmony with the science of the body, breastmilk ingredient research as the source of inspiration"</i>.</p>	<p>A graphic with the Irish national flag says <i>"recognised by the Irish government as a quality product"</i>. The purported stamp of approval from a foreign government will help put the product on the pedestal in the Chinese market.</p>	<p>As if calling the product a <i>"human affinity"</i> formula is not enough – all of its ingredients are affixed with <i>"human affinity"</i> accolade such as <i>"human affinity structure"</i> and <i>"human affinity proportion"</i>.</p>
		
<p>In a display of the Illuma line on its official website cleverly named <i>"illuminate.com.cn"</i>, slots for products appropriate for 0-6 months and 6-12 months are replaced by two drops of milk (circled). The #3 growing-up milk tin is, however, displayed even though all formula products up to 36 months come under the scope of the Code.</p>	<p>A click on either milk drop leads to a large banner which states: <i>"Breastfeeding from 0-12 months, the WHO recommends exclusive breastfeeding for at least 6 months"</i>. This statement forsakes the recommendation for continued and sustained breastfeeding for 24 months or beyond and allows a wider window to push follow-on and growing-up milks.</p>	<p>While Wyeth is discreet with early formula promotion on its <i>illuminate</i> website, it is less bashful elsewhere as this online ad shows. No discreet drops of milk here – Illuma infant formula is promoted to <i>"help babies grow healthy"</i>. Next to the incriminating tin is a happy healthy baby to complete the product idealisation.</p>

■ Hong Kong

		
<p>On the home page of the Illuma website, the product is described as “<i>inspired by human milk, Science to unleash innate talent</i>”. Ensuing pages state the enhanced “<i>Human Affinity Formula</i>” is as precious as treasures discovered in nature and follows a baby’s nutritional needs more closely to support absorption of key nutrients.</p>	<p>Nature-inspired posters adorn the display window of a pharmacy to claim that Illuma products on show can unleash natural defenses of babies. Inside, discount prices and an illuminated shelf device promote Illuma’s endless shining potential.</p>	<p>Borrowing jargon from child developmental psychology to imply natural talent can be nurtured, an Illuma TV commercial shows a young pilot flying with the slogan “<i>Illuma believes that as long as you allow your baby to explore freely, they will blossom with natural talent</i>”.</p>
		
<p>Attracted by free food at a fancy restaurant, mothers packed like sardines to attend a Wyeth talk on “<i>breastmilk’s unique fat structure</i>”. The talk gradually switched to Illuma products. Guests are obliged to admire Illuma products as they eat. There really is no such thing as a free lunch.</p>		

Editorial note: In June 2017, the Department of Health in Hong Kong adopted the Hong Kong Code of Marketing of Formula Milk and Related Products and Foods for Infants and Young Children. While the Hong Kong Code has an extensive scope and strong provisions banning promotion, its main weakness is the fact that it is a voluntary Code without any sanctions. It remains to be seen if promotion of baby foods can be effectively controlled. As “the gateway to China”, Hong Kong, a Special Administrative Region, is often positioned as the “test market” for China.



- Ireland - An annual 2-day Pregnancy and Baby Fair event in Dublin, sponsored by SMA Nutrition, attracts many big name businesses to showcase their baby care products.

The event encourages parents to join the SMA know-how programme for advice, help, and tips through their parenting journey. “Great money-off vouchers and special offers on SMA products” is part of the package.

■ Singapore



Customers are given a free “Gro-Clock with every SGD100 purchase”. They can also enjoy savings on purchases with Mums.sg. First time users get an additional SGD10.



Here, parents are enticed by Wyeth to redeem a sleek rice cooker with purchase of S-26 products.



S-26 Promil Gold Follow-On formula insinuates that the product can enhance a child’s thinking, seeing, and doing abilities.

■ United Kingdom



A SMA Careline ad asks, “Do you have a question about infant feeding?” It then leads mothers to “chat now with SMA Careline” as “their knowledge, experience, and advice is just a click away!” The Careline service serves to facilitate contact between mothers and representatives of SMA, something the Code prohibits.



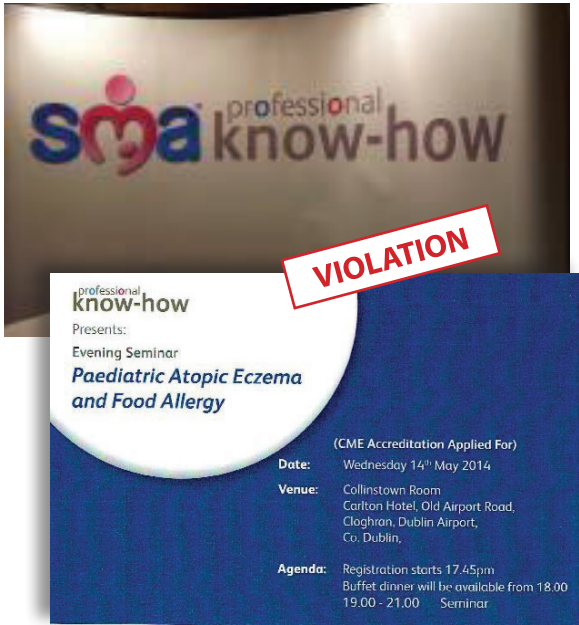

In October 2014, the UK Advertising Standards Authority warned Wyeth, among other things, to stop insinuating that young children are not receiving adequate nutrients unless they consumed fortified milks as the above SMA ad implies.



SMA Nutrition sponsors a high-profile web video series called “Being Mum”. The series, available on various social media channels and set-top boxes, features interviews with celebrity mothers with exclusive wraparound SMA Nutrition ads and an un-skippable 30-second pre-roll ad before each episode.

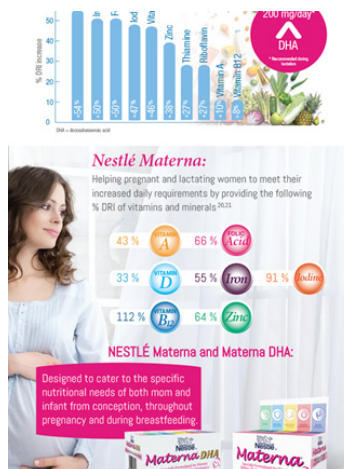
PROMOTION TO HEALTH WORKERS

- **Article 7.2** requires that information by companies on products under the Code should be scientific and factual, and should not imply or create a belief that bottle feeding is equivalent or superior to breastfeeding.
- **WHA resolutions 58.32 [2005]** and **WHA 65.60 [2012]** call on countries to ensure that financial support and other incentives for programmes and health workers do not create conflicts of interest.
- **Article 7.3** provides that there should be no financial or material inducement to health workers to promote products.

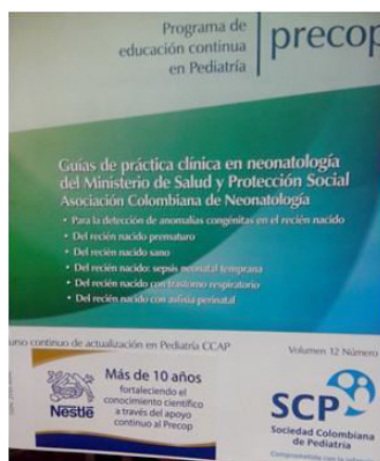
	<ul style="list-style-type: none"> ■ Ireland - As part of the SMA professional know-how programme, SMA nutrition sponsored a seminar on “<i>Paediatric Atopic Eczema and Food Allergy</i>” for health professionals that was held at a hotel in Dublin. The promotion flyer bearing the SMA brand logo was widely circulated through healthcare facilities. Highlighting the CME accreditation application, SMA puts aside concerns about conflicts of interest to capitalise on the need of healthcare professionals to continue their education. To cultivate goodwill - buffet dinner is thrown into the bargain.
	<ul style="list-style-type: none"> ■ New Zealand - An S-26 Gold ad in the New Zealand Doctor magazine carries blatant promotional texts such as “feeding learning from head to toe” and “<i>supports growth outcomes closer to breastfed infants</i>”. Further, it compares the whey protein in the product to the predominant protein in breastmilk.

STRETCHING THE RULES

- This section highlights marketing practices which undermine or discourage breastfeeding especially when relating to products which may not come under the scope of the Code.
- Sponsorship activities which may give rise to conflicts of interest are also reported here. These activities are intended to promote breastmilk substitutes and violate Resolutions on conflicts of interest.



- Botswana - An email sent to health care professionals by Nestlé highlights how **Materna**, a pre-natal/post-partum multivitamin, “plays a vital role in determining her health and well-being, as well as that of her child”. Messages such as “inadequate nutrition before and during pregnancy can influence a child’s health and development”, “nutritional risk factors before and during pregnancy”, “helping pregnant and lactating women to meet their increased daily requirements” wrongly convey the message that the product is necessary for mothers to provide adequate nutrition for her child. Even though this product itself is not covered by the scope of the Code, it serves as an entry point to build “product relationships” to set mothers on a path toward products “down the line” from the same company.



- Colombia- Nestlé asserts its influence over the health care systems and health professionals by sponsoring the Colombian Society of Pediatrics on a scientific publication - “Guide to Clinical Practice in Neonatology of the Ministry of Health and Social Protection, Colombian Association of Neonatology”. When a public health guide is sponsored by a baby food company, where does its interest lie?
- In France - paediatricians in Lille are obligated to attend continuing medical education training annually. The programme contains a nutrition forum conducted by Nestlé which boasts that it is the only educator of infant feeding in the medical programme for the past 7 years. An annual face-to-face meeting with paediatricians provides Nestlé with a long-term and special conduit to parents.



- In Germany, with the support of Nestlé's Wyeth Nutrition, the Munich-based Early Nutrition Academy (ENA), in co-operation with a children's hospital, initiated a free distant learning programme targeting health professionals from around the world. The glaring conflicts of interest may be lost on those who registered for the course, but the logos of both Nestlé and Wyeth Nutrition are stark reminders that companies will invest in providing education (and other benefits) to health professionals for the potential returns – in the hopes that these grateful health professionals will be more open to promoting Nestlé products and less critical about its marketing policy and tactics.



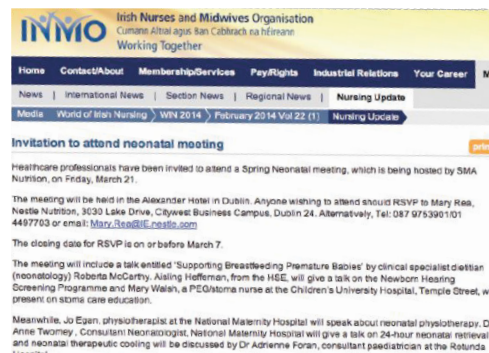
- In Greece and in the Czech Republic, Nestlé and Wyeth Nutrition were among the sponsors of the Annual Meeting of the European Society for Paediatric Gastroenterology, Hepatology and Nutrition (ESPGHAN). At the 2017 Congress, Nestlé exhibited its latest research findings and also held a symposium on “*Human Milk Oligosaccharides – Nature’s Secret Weapon*”, shedding possible light on Nestlé’s future marketing plans.

Editorial Note: On 5 July 2017, Dairy Reporter announced that Spain is the first country in the world to start using Nestlé’s **Nan Optipro** Supreme infant formula with two oligosaccharides “identical” to those found in breastmilk. Nestlé is not the first company to do so. In October 2016, Abbott released its “break-through” infant formula with the same HMO ingredients.

■ Ireland



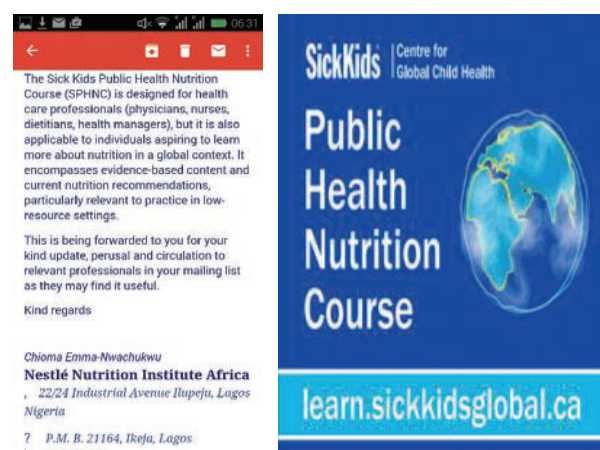
Nestlé tries to cultivate goodwill by offering accredited courses that doctors can obtain credits towards their continuing medical education. One such event is a Nestlé-sponsored “*professional know-how*” webinar entitled “*First 1000 Days: A Legacy for Life*”.



The Irish Nurses and Midwives Organisation put themselves in a position of conflict by promoting the Nestlé-sponsored event on their website, calling on interested health professionals to register directly with Nestlé Nutrition for a study day. This event is supported by an unrestricted educational grant from SMA Nutrition.



- Myanmar - the Nestlé 'Start Healthy Stay Healthy' official Facebook page shows Nestlé sponsored the Happy Haven Humanitarian Project. Pictures show packs of **Cerelac** being handed over together with a certificate that acknowledges Nestlé's donation. It is often during times of exceptionally difficult circumstances, such as disease, pandemic, or emergencies that companies try to exploit the de-stabilised markets and crisis situations to provide unsolicited supplies of products in the name of donation. Nestlé is not above that.



- Nigeria - NNI Africa sends out email notifications about a free open access online course for health professionals (or anyone who is interested) seeking to learn more about nutrition in a globalised world with “sick kids” as its focus. The Course is made possible through an unrestricted grant to the SickKids Centre for Global Child Health. Recipients of the e-mail are also encouraged by NNI to circulate and share information of the course to those who might find the course useful, casting its net wide to recruit potential loyal supporters.



- Oman - Health professionals were invited to an infant and young child nutrition workshop, entitled “*Shaping the Future*” by Nestlé Nutrition Institute. The workshop’s focus is on the “*1st 1000 Days*” and covered topics such as “*Infant feeding, early growth and later health*” and “*Protein intake and programming during infancy: the breast-fed infant as the reference*”. A quote on the invitation states, “*optimal growth, development, and functional maturation of the infant and child clearly depend on the provision of an adequate intake and balance of more than 50 essential macro- and micronutrients. Of all these, protein is by far the most important determinant*”. Naturally, Nestlé has products that can provide all these nutrients.

■ Singapore



Pregnant women who sign up to become members of the Nestlé Baby Club can receive a \$250 goodie bag. The product promoted is **Mom & Me**, commonly called maternal milks. Even though these are not within the scope of the Code, the way they are promoted conveys the false belief that mothers-to-be and nursing mothers need these products to obtain maternal nutrition that is vital to a healthy pregnancy and breastfeeding. Not only does this belief undermine “*breastfeeding as the norm*” and affect women’s confidence in breastfeeding, Nestlé is also using this platform to get pregnant women to join its baby club to establish contacts for later stages. By handing out free gifts, Nestlé builds brand loyalty among pregnant women and mothers, paving the path for promoting its other baby food products.



Jointly with a private hospital, Nestlé held a “Nestlé Mom & Me” conference at a convention centre. A huge backdrop at the exhibition hall welcomes visitors with the slogan “*Together, Nurturing a Healthier Generation - The 1st 1000 Days*”. To attract pregnant women and mothers, Nestlé installs an “*Allergy Risk Tracker*” for visitors to find out their child’s allergy risk. Even when their assessments show low risk, visitors are encouraged to discuss with their doctors on ways to help reduce risk of allergy. The solution, no doubt, is Nestlé’s range of products. Visitors to the convention center are also given goodies bags courtesy of Nestlé.

“Marketing Formula for Mothers

It’s called: Diversifying the market !

The trick of the trade is to make them feel they need it, they could not do without it.

First there was only infant formula, then came follow-up formula, then toddler formula and somewhere in between, smart marketing brains thought up formula for pregnant women, milk for breastfeeding mothers. Lately, for those mothers, companies even sell nutritional supplements in soft gel form.

Unnecessary

Do mothers need such formulas ? No ! A balanced diet of local foods will usually supply all the vitamins and minerals touted in these formulas for moms, promoted, pushed and prodded by a dozen big companies.

Mothers who can afford such concoctions, don’t need them as they have a good enough diet. Mothers who need more nutrients should spend their money on additional ‘real food’ instead of wasting it on such formulas.

Harmful?

Yes, the promotion plays on mothers’ fears that there might be something wrong with her foetus, with her food or with her milk. The promotion undermines breastfeeding by making it more complicated and needing costly supplements. Companies are able to bypass the Code and in addition ride on the known advantages of breastfeeding.”

Annelies Allain, August 2017

MISCELLANEOUS COMPANIES

COMPANIES

COVERED BY THIS CHAPTER

Arla	Lactalis
Aspen	Liptis
Fonterra	Novalac
France Lait	Physiolac
Humana	Sodilac

LOGOS



Dairy for life



Novalac

Physiolac



OVERVIEW

The collection of violations by 10 smaller companies (overall business turnover below USD 15 billion) in this chapter offers a snapshot of how their marketing practices violate the International Code of Marketing of Breastmilk Substitutes. Of these companies, some only market their products in selected regions where on the ground monitoring is rare. Though smaller in revenue size, the behaviour of these companies is comparable to the bigger players in terms of aggressiveness and inappropriateness. These companies target emerging markets where Code measures, monitoring and enforcement systems are inadequate. They have smaller market shares in established markets. Due to these factors, their behaviour rarely comes under public scrutiny. These companies generally keep a low profile and seldom join the big companies in consultations with governments to negotiate marketing regulation. Thus, the violations they commit may not have given due attention.

Companies are alphabetically organised and within each company, violations are organised by themes. Practices involving company sponsorship which give rise to conflicts of interest are also recorded here.

BRANDS

COVERED BY THIS REPORT

Baby & Me
Milex
Dano

LOGOS



GENERAL INFORMATION

Arla Foods is a cooperative dairy company headquartered in Denmark, owned by 12,500 farmers in Denmark, Sweden, Germany, United Kingdom, Luxembourg, the Netherlands and Belgium. It is the world's 4th largest dairy company in size and 7th largest in terms of turnover. In 2017, the company expects growth in sales due to higher milk prices and gains in market share in the Middle East, sub-Saharan Africa, China and Southeast Asia.

Arla manufactures foods for infants and children, with three major brands: Baby & Me, Milex and Vita Kids.

Baby & Me is Arla's 100% organic milk powder product for infants and young children. It is sold in Denmark, Finland and China.



Arla's Baby & Me products displays the same old cute animal figures.

Milex produces growing-up milks for young children up to 3 years which are marketed as a nutritionally-complete products with *"up to 100% of the recommended daily intake of important vitamins and minerals"*. The brand sells in Honduras, the Dominican Republic, Panama and other countries.



"Now you can grow more" says this Milex advertisement.

PROMOTION TO THE PUBLIC

Denmark

In Copenhagen, Arla's **Baby & Me Organic** products are promoted at a baby products fair.



Arla representatives are more than happy to offer their services to parents of infants and young children.

Tins of Arla **Baby & Me 2** follow-up milk are promoted in the shape of feeding bottles, idealising bottle-feeding.



Helpful Arla staff 'ignore' that the Code forbids company reps to contact parents.

■ Trinidad and Tobago

Arla distributes free samples of Arla **Vita Kids** growing-up milks at an exhibition for baby products, blatantly violating the Code.



Arla VitaKids tells children to “go on ... be mighty”.

Huge billboards to promote Arla **Vita Kids** growing-up milk. The product is said to contain 26 vitamins and minerals and “made for mighty kids”.



Cute vitamin and mineral figures are climbing their way up to jump into the Arla tin. Whether these additives are actually absorbed upon digestion remains unclear.

HEALTH CLAIMS

■ Panama

Arla **Milex Kinder Gold** growing-up milks promoted at a baby fair. A large tin of the product with a protective shield banner claims to “help digestion and absorption” as well as “strengthen immune system”.



Both children seem to be intimidated by the gigantic sizes of the Milex tin of growing-up milk as well as the lion mascot.

STRETCHING THE RULES

■ Dominican Republic

Milex Mamá milks for pregnant women and lactating mothers that claim to “help digestion and absorption” and “strengthen immune system” are promoted at a fair. These claims mislead mothers to believe the products are necessary. The similar packaging design, slogans and branding also serve cross-promotion purposes.



Sales reps posing for Milex Mama to entice pregnant women and mothers; it is commercial make-belief that the product is necessary for healthy pregnancy and lactation.

“The sales boom in the follow-up and toddler formula categories likely reflects a market segmentation strategy whereby the companies are exploiting the incorrect perception that breastfeeding applies to the first six months only, and not to continued breastfeeding.

The branding, packaging and labelling of these product categories frequently resembles and is commonly mistaken for infant formula, allowing companies to circumvent regulations focused on the 0-6 month age bracket only.”

Dr. Phillip Baker,
Australian National University
11 May 2016.

BRANDS COVERED BY THIS REPORT

Infacare
S-26
S-26 Gold
SMA

LOGOS



Under licence from Nestlé in selected regions.

GENERAL INFORMATION

Aspen, a South African multinational pharmaceutical company that operates globally in more than 150 countries, also manufactures formulas for infants and young children up to 3 years. Aspen is the 15th largest business in the sector of infant and young child food. In 2012, Aspen Group acquired Kenyan-based Beta Healthcare International and Tanzanian-based Shelys Pharmaceuticals, expanding their **Infacare** presence in Sub Saharan Africa.

Aspen's in-house brand **Infacare** is an established formula brand around the world. The company extended its formula range by acquiring property rights from Nestlé in 2013 for the brands **S-26** and **SMA** brands that originally belonged to Pfizer/Wyeth. This enabled Aspen to start producing and marketing these brands in selected regions including southern Africa, Australia and Latin America.

Aspen states that it “*fully subscribes to the WHO International Code of Marketing of Breast Milk Substitutes*” (Pharmacare Holdings Limited Integrated Report 2016); the company's commitment however is not reflected in its marketing practices. Numerous violations were reported. Aspen uses plain labelling for its **Infacare** products in some countries where there is a Code-based law, such as Zimbabwe and Nigeria. However, labels with idealising graphics can still be found in South Africa, where enforcement of the law is generally lacking. The **Infacare** series comprises infant formula, follow-on formula and growing-up milk. The **SMA** brand markets only infant formula.



See the difference between the “clean” Infacare labels sold in countries with stronger laws vs the ones sold in countries where enforcement is lagging.



The **S-26** range provides a dozen formulas for infants and young children up to three years, varying between the **S-26 Original** and **S-26 Gold** lines. Both products are marketed to “*provide complete nutrition*” but the Gold series is a premium option.

PROMOTION TO THE PUBLIC AND IN SHOPS

■ Australia

S-26 Gold growing-up milks are promoted as “*nutritious milk drinks to support toddlers' growth and development*”. But misleading labelling says

“when intakes of energy and other nutrients may not be adequate”. The products are described as “made with love in Australia” and sold with free gifts.



A mother kangaroo and her baby are shown to promote S-26 Gold growing-up milks.



Free cuddly Aussie animal friends and super soft snuggle blankets with the purchase of 2 cans of S-26 Gold Toddler milks.

■ Trinidad and Tobago

Aspen's **Progress Gold** growing-up milks are on special offer at a major supermarket chain. A shelf-talker was used to entice customers to 'save' money during the offer period.



'Talking' to customers directly from the shelf and telling them to save money through special offer promotion.

Health claims are prohibited by the International Code, as they serve promotional functions. Nonetheless, a **Progress Gold 3** advertisement in the Trinidad Express newspaper makes outrageous claims that its *Biofactors System* is scientifically advanced to support multi-dimensional learning and its DHA supports improved memory and learning skills development.



A tin of formula milk buys you memory and learning skills?

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

■ Australia

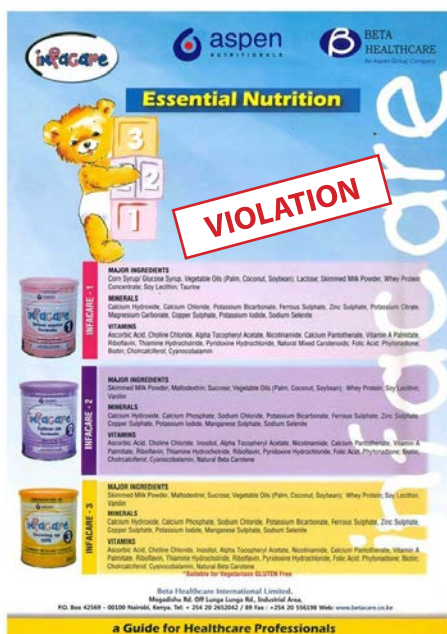
In 2015, Aspen Nutritionals organised an educational meeting for healthcare professionals, in partnership with research centres and a university. Meeting topics included breastfeeding, common feeding problems and formula feeding. Aspen also conveniently presented the latest information and research on infant formula and formula ingredients in S-26 formula products. Such events allow companies to earn goodwill among health professionals, despite the inherent conflicts of interest. WHA resolutions 58.32 [2008] and WHA 65.60 [2012] call on Member States to ensure financial support and other incentives for programmes and health professionals do not create conflicts of interest.



The Module on Breastfeeding addressed common feeding problems; the Module on Formula Feeding discussed the role of health workers in infant feeding.

■ Kenya

Acquired by Aspen, Beta Healthcare International markets **Infacare** products as “Essential Nutrition” for infants and young children. On a “*Guide for Healthcare Professionals*” that provides product information to health workers, the **Infacare** bear mascot pops up and serves as a promotional feature for the brand.



Company brand mascots are nothing but promotional and inappropriate on an informative guide for health care professionals.

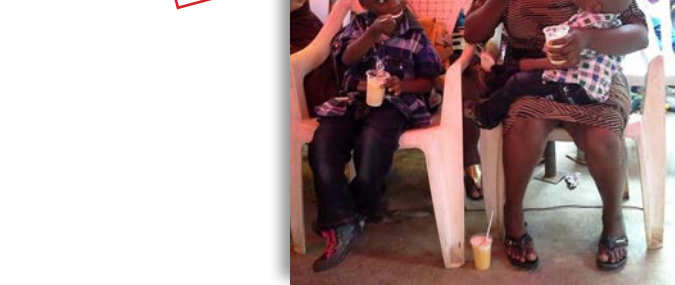
On International Nelson Mandela Day, Beta Healthcare donated large quantities of **Infacare** products to children's homes, orphanages and community organisations. What appears to be an act of generosity and fulfilment of the company's Corporate Social Responsibility is really an opportunity for Aspen to enhance its image. Free supplies should not be allowed in any institution as they serve as a promotional platform for companies' products. They should be procured and distributed through proper channels.



Aspen's generosity is captured in pictures and shared with the public on Facebook. Big banners depicting Aspen's logo are used to promote the company's name and goodwill.

Nigeria

Aspen sponsors a health campaign at a hospital in Lagos, targeting pregnant women and mothers with young children. Pictures on the official Facebook page of the hospital show that formula milk products were served to young children.



"Dancing competition by Pregnant women", "people having fun with their pap", and "people been feed with pap and Infacare formula" were captions to describe the event on the hospital's official Facebook page.

LOGOS



Dairy for life



GENERAL INFORMATION

Fonterra is a dairy co-operative company in New Zealand owned by shareholders who represent 95% of the country's dairy farmers. It is New Zealand's largest company, and in 2016 had a revenue of NZD17.2 billion. It was formed in 2001 from the merger of the two largest dairy co-operatives in the country, the New Zealand Dairy Group and Kiwi Cooperative Dairies together with the New Zealand Dairy Board, the marketing agent for all co-operatives. The majority of **Fonterra's** products are exported and it is the largest dairy exporter in the world.



NeoPro 1



NeoPro 2



PediaPro 3



Fonterra's main baby food product is Annum, available in 10 countries across Asia including China, Indonesia and Malaysia. Annum is the leading brand in Hong Kong. Its business is bolstered since 2016 by a partnership with the Chinese baby food manufacturer Beingmate to utilise the latter's distribution channels. 2016 was also the year the company launched **PediaPro 3** in New Zealand. **Fonterra's** website focuses on promoting the nutritional formulations of the **Annum** range that have *"been scientifically proven to play a role in the brain development of infants and young children."* **Fonterra** claims it is *"fully committed to ethical and responsible marketing practices"* of its infant and young child products. However, the ensuing report documents a number of Code violations.



PROMOTION TO THE PUBLIC AND IN SHOPS

■ Hong Kong

At train stations in Hong Kong, **Fonterra** runs an advertising campaign under the guise of teaching the alphabet. For each letter, a large advert is placed with images of the **Annum** range alongside items related to each letter (A for Apple, Z for Zoo, etc.). There is a blatantly promotional health claim that says the product can *"foster the connection of brain cells, helping babies to get to know a bigger world"*. The packshot of the tins features idealising imagery of teddy bears with building blocks, symbolising growth and development. The 'GA' cogs on the advert represent fortified gangliosides in the product, which is a molecule that is naturally

present in breastmilk and said to help form brain cell connections.



Fonterra uses the alphabet as an opportunity to promote its formula milk at metro stations in Hong Kong.

As shown on the Annum Hong Kong Facebook page **Fonterra** held a large Annum booth at a baby expo, where mothers were given free gifts. Again, there is the use of the GA cogs to illustrate the claimed beneficial effect of this additives on brain development.



A large promotional Annum display lures mothers at a baby expo in the Hong Kong convention and exhibition centre.

■ Indonesia

On the Annum Indonesia Facebook page a teacher posts her thanks to the company for gifting her school a bouncy castle and paddling pool. Children are used as marketing agents with a picture of them posing with packets of **Annum Essential 3**.



A swimming pool, bouncy castle, and Annum formula milks were given to a school for winning a competition. No doubt, Fonterra gains powerful brand loyalty from such donations.



PROMOTION IN HEALTHCARE FACILITIES AND TO HEALTH PROFESSIONALS

■ Malaysia

A free Annum desk calendar is widely distributed to doctors in private hospitals in Penang. It bears the Annum logo and advertises the full range of **Annum** products – **Materna**, **Lacta** and **Essential**. It has scientific claims about the complex milk lipids in the product. The calendar is used to acquaint health professionals with the full range of **Annum** products. Mothers are known to stay loyal to the brand their doctors recommend. This 3-year calendar ensures that doctors consistently recommend **Annum** products to mothers from the time they are pregnant until the child is 3 years and above. When placed in hospitals and on the desks of doctors, the calendar also appears as an endorsement by the hospitals and doctors.



3 year calendar given to doctors in Penang promotes the full range of **Annum** products and gives the impression that Annum is medically endorsed and 'essential' for optimal growth of the child.

Annum Essential leaflets are placed on shelves in local supermarkets, promoting **Annum Essential** 3, a growing-up milk marketed for children 1-3 years. The leaflet idealises the product by stating it is fortified with Gangliosides and DHA, components that are already found in breastmilk. Similar promotional and nutritional claims are also on Annum Facebook page, targeting a wide audience of mothers.



Promotional leaflets placed on the shelves of supermarkets in Malaysia with health and nutritional claims. The company also advertises on Facebook.



IQ and Breastfeeding

“The Lancet in 2016 published data showing an average of 3.5 IQ points higher for breastfed infants, based on 16 studies that controlled for maternal intelligence and home stimulation.

The effect of breastfeeding on intelligence makes sense. Formula feeding children lack breastmilk's growth factors, fatty acids, and other components that are so important to brain development. The healthier gut microbiome in breastfed infants has also been shown to play a role in brain development.”

[http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(15\)01024-7.pdf](http://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(15)01024-7.pdf)

FRANCE LAIT

102, route nationale 6
Saint-Martin-Belle Roche
CS 20309
71009 Macon Cedex
France

www.france-lait.com

LOGO



GENERAL INFORMATION

Operated by Regilait, a leader in the production of instant powdered milk, France Lait is based in France. The company makes infant milks and foods for infants and young children up to three years. France Lait states it complies rigorously with the advice of the World Health Organisation that recommends feeding infants exclusively with breastmilk up to the age of six months. It says nothing about sustained and continued breastfeeding or about its obligation to comply with the International Code of Marketing of Breastmilk Substitutes. The company's aggressive and inappropriate marketing is highly visible in the examples of violations in this report.

PROMOTION IN HEALTH FACILITIES AND TO HEALTH PROFESSIONALS

■ Democratic Republic of Congo

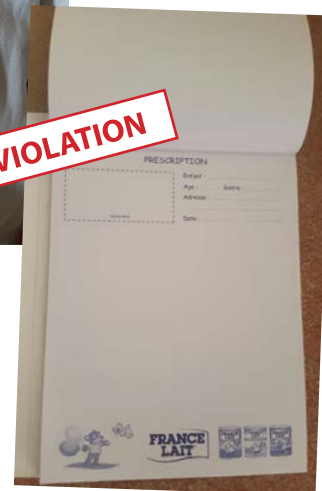
France Lait promotes its products in health facilities by providing hospital staff with France Lait branded T-shirts, prescription pads, and tissue boxes. Such tactics help convey the impression that health professionals endorse the brand.



Sport shirt bearing the France Lait logo worn by a hospital staff in Goma, DRC. The logo represents both the company and its brand.

VIOLATION

Just what the doctor ordered- prescription pads promoting **France Lait** formulas.



VIOLATION



On the company's website, pictures of mothers and babies idealise the use of **France Lait** products.



Tissue boxes casually placed in a doctor's office promote **France Lait** infant formulas.



In the neonatal unit of a hospital in Goma, **France Lait** infant formulas are displayed in full view of visiting parents.



Posters promoting **France Lait** products and calendars bearing the company's name and logo displayed in health care facilities.

■ France

A set of eight glossy “information letters” is distributed to health professionals to push **France Lait** products as solutions to diarrhoea, regurgitation, mild digestive discomforts. These information materials on infant and young child feeding and food diversification are filled with packshots and claims to promote **France Lait** products, such as special formulas for premature babies and growing-up milks for children 1-3 years.

Article 7.2 of the Code states that ‘information provided by manufacturers and distributors to health professionals regarding products within the scope of this Code should be restricted to scientific and factual matters, and such information should not imply or create a belief that bottle-feeding is equivalent or superior to breastfeeding’.

The distribution of these “information letters” is an obvious mockery of Article 7.2.



Product promotion hidden in informative letters.

PROMOTION TO THE PUBLIC AND IN SHOPS

■ Libya

France Lait wishes its Facebook fans a Happy Friday with a posting showing packshots of **France Lait** infant formula and follow-up formula products. A baby blows kisses at visitors, an endearing sight which sells products.



Love, kisses and France Lait on Facebook.



HUMANA

DMK Deutsches Milchkontor
GmbH
Industriestraße 27
27404 Zeven
Germany

www.dmk.de

LOGO



The brandname itself is in violation of the Code Art 9.2: the term "humanised" or "maternalised" similar term should not be used.

GENERAL INFORMATION

Humana is a subsidiary of the German dairy company Deutsches Milchkontor GmbH (DMK Group). DMK is a cooperative-based company and is present in more than 100 countries. With a turnover of EUR 4.6 billion, it is one of Europe's 10 largest dairy companies. Its products range from fresh dairy, such as yogurt and cheese, to ingredients for manufacturing foods for infants and young children. The production of ingredients takes place in Germany and its end products, such as infant milks, weaning food and nutritional supplements are sold under the brand **Humana** in more than 50 countries.

Humana's infant milks are promoted as the "right infant milk from the start", with a picture of a baby drinking milk from a feeding bottle. The products are marketed as 100% "made in Germany", from natural and non-GMO fed cow's milk. **Humana** offers a large range of 'special milks' marketed as suitable for "particular nutritional needs of sensitive children". In fact, these milks are meant for common feeding problems such as colic and regurgitation.



The slogan "the right infant milk from the start" promotes bottle-feeding from birth and undermines exclusive breastfeeding.



Special milks claiming to help with common feeding problems. Pictures of feeding bottles idealise the use of infant formula.



An online ad with the slogan "for Mummy and Me", feeding bottles are on the labels of **Humana** infant formula and follow-up milks, thereby normalising formula feeding.

Humana's disregard of the Code is reflected in a great number of violations from around the globe, demonstrated in the following examples:

PROMOTION TO THE PUBLIC

Germany

- On its new website, Humana offers a EUR 5 discount coupon with every purchase of 2 packs of **Humana** baby milk powder. Loyal customers are lured to buy more in order to enjoy the offer.



An EUR 5 coupon to induce sales is offered on Humana's German website.

- Intriguing links on the website also provide 'beneficial' information for parents and pregnant women. 'Information' is however only a cover for free gifts and sample packs.



With just a click away, baits such as samples, free photo album, and subscription to their newsletter are awaiting parents.

- In a shop in Bremen, **Humana** 'special milks' from birth are on sale. The product is promoted to prevent regurgitation, which is not a special condition but a common feeding problem.



Regurgitation and spitting don't need special treatments.

Hong Kong

Humana generously distributes presents to parents at an exhibition called BB Expo. Memories of the event are captured in pictures and posted on the local Facebook fan page, showing babies receiving free **Humana** infant formula and other free gifts.



Free gifts such as sun visors, bibs, socks, and goodie bags bearing the Humana name, logo and lamb mascot are given to babies as a way to promote Humana products.

Russia

Humana 1 infant formula is advertised on the Russian **Humana** website as a formula developed by experts. The ad states that the product is specially formulated to meet the nutritional needs of a new born and is "ideal for mixed or artificial feeding" if mothers are not breastfeeding. It also states that its composition is close to breastmilk.



The statements undermine breastfeeding and idealise the product. The German flag is used as a quality seal to gain consumers' trust.

PROMOTION IN HEALTHCARE FACILITIES

Moldova



To promote **Humana** special milks in a maternity hospital, a **Humana** information board with a picture of a cute baby and the headline "out of love to children" is placed near a corridor to attract the attention of both health workers and parents.

Using health care systems for promotion violates Article 6.2 and 6.3 of the Code.

LACTALIS

Lactalis Nutrition Santé
Parc d'activités de
Torcé Secteur
Est 35370 TORCE
FRANCE

www.celia-nutrition.com

BRANDS

COVERED BY THIS REPORT

Celia
Picot
Lactel-Milumel

LOGOS



GENERAL INFORMATION

The Lactalis Group, headquartered in France, is a dairy corporation owned by the Besnier Family. Composed of several companies, it is one of the largest dairy products groups in the world. With an annual turnover of EUR 17 billion (2016), Lactalis markets formulas for infants and young children under the internationally-known brands **Celia**, **Picot** and **Lactel-Milumel**.

Inappropriate marketing under the Lactalis-owned brands is common practice. Selected violations from different locations serve as evidence that the Lactalis group remains a systematic Code violator.

Celia

PROMOTION TO THE PUBLIC AND IN SHOPS

■ Comoros Islands

Celia promotes its newest product range at a local supermarket by placing a poster of a happy and healthy baby next to packshots of **Celia** products.

The text announces that Celia has “a new complete range of infant milks and cereals” available in stores and pharmacies to help babies “*nourish well to grow better*”.



Idealising not only formula products but the entire range of Celia products.

A large billboard promoting **Celia Nutrition 1** is strategically placed near a supermarket in Moroni (capital of Comoros). Posters similar to the billboard are found at the entrance of the supermarket, promoting Celia’s “new range of milks and cereals for baby” with the slogan, “*Bien se nourrir pour mieux grandir*” - *Nourish well, to grow better*.



A happy mother and healthy child idealise the use of Celia Nutrition and Celia Cereline.

■ Sri Lanka

The **Celia** Facebook page claims to support the global public health recommendation on optimal duration of breastfeeding. The focus, however, is only on the 6-month exclusive breastfeeding period, conveniently omitting the recommended period of sustained and continued breastfeeding up to 24 months or beyond. This allows Celia a window to promote its formula products, as evident in its tagline “*Celia, for happy and healthy beginnings*”. By displaying the WHO and UNICEF logos in the same message, Celia creates the illusion that it works in partnership with both UN agencies. A post on another Celia Facebook page claims to be “*the French experts in infant nutrition*”.



The Celia stand is flooded with promotional elements including packshots, pictures of babies, brand name, logo, mascot etc.



Celia's answer to happy and healthy beginnings is not breastfeeding.

Celia exploits logos of WHO & UNICEF to promote its own products.



PROMOTION TO HEALTH WORKERS

■ Côte d'Ivoire

The Lactalis Group was present at the 12th Ivorian Paediatric Days in Abidjan in 2015. The company describes the event as “*one of the major paediatric meetings in Francophone Africa*” attended by “*300 paediatricians and midwives from the region who prescribe our brand of infant formula*”. Participants were welcomed at the **Celia** booth that was filled with promotional materials and formula products. A symposium on Celia's nutrition innovation ‘*Promaternum*’, a probiotic claimed to have “*clinically proven benefits*” drew more than 80 participants and was followed by lunch hosted by the company.

■ Philippines

The Lactalis International Nutrition team participated at the Philippines Medical Expo 2014. The event with 500 exhibitors was attended by 5000 visitors. According to Lactalis, the purpose of participating was “*to find new potential specialised partners in Southeast Asia, especially in the Philippines where the population and birth rate are high*”. This statement shows the company's obvious interest in creating opportunities to enter the health care system, where it can promote the use of its products.



Celia's booth at the Medical Expo is obvious promotion, in violation of the Code.

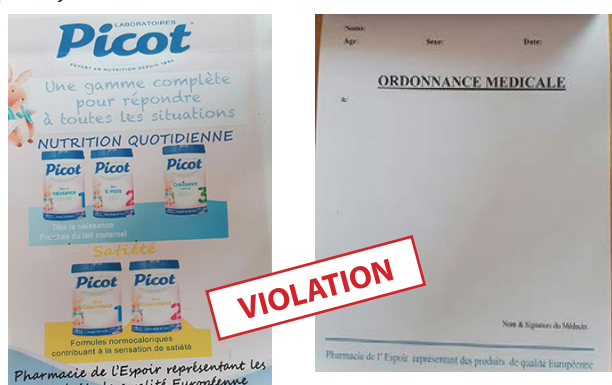
Picot

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

■ Congo

A prescription pad distributed by Picot laboratories displays on its cover a complete range of products to meet all situations. One set of formula products is promoted as close to mother's milk, while another is said to contribute to the sensation of satiety.

A statement printed at the bottom of the cover and on each page of the prescription pad says the importing pharmacy sells products of “European quality”.



Prescription pads make it easy for doctors to promote Picot products.

■ France

Healthy and happy thanks to Picot? Such posters are distributed to mother and child clinics – promoting



the image that Picot products will make babies happy and healthy just like the one in the poster.

Undermining public health efforts to promote breastfeeding.

Lactel-Milumel

- Health facilities distribute Lactel-Milumel booklets which induce mothers to switch to bottle feeding. One of the arguments to discourage mothers from longer period of breastfeeding is that babies need up to 8 feedings at night; the other is that mothers who breastfeed need to eat 500 kcal extra per day.



The booklet asks mothers to register on the website or call for advice.

- A booklet for parents contains an inappropriate ad for Milumel 2 brands. Milumel 2 is said to contain only lipids found in milk (no palmoil) and *L. fermentum* (found in breastmilk) to establish its similarity to breastmilk.



Idealising messages used include “Offer the best to all babies” and “Double digestive comfort for baby”.

Mothers are advised to offer the best to their babies and to choose Milumel 2.

PROMOTION TO THE PUBLIC AND IN SHOPS

■ France

- Pharmacies offer free 400gm tins of Picot Relais infant formula to mothers who buy Picot breastfeeding teas and nutrition supplements.



An attractive window display shows product pack shots and the slogan, “Picot has specialised in infant nutrition for the past 110 years”.



Free tins and sachets dropped by Picot personnel at a pharmacy.

- Cans of Milumel 1 infant formula are on display in a supermarket's discount bin. Yellow stickers



marked with the words - “to seize - 50%” – informing customers that the products are available at half price.

Discounts for a quick sales.

LIPTIS

BRANDS

COVERED BY THIS REPORT

Liptomil
Liptomilk

LOGO



GENERAL INFORMATION

Liptis Nutrition was created by a partnership between **Liptis** Switzerland, a developer of nutraceuticals and the Swiss Hochdorf Group, a manufacturer of private brands infant formulas. Liptis Nutrition markets a large range of formulas for infants and children up to 4 years under the brand **Liptomil Plus**, manufactured by Hochdorf. The Swiss-made products are promoted as of “highest quality”. **Liptomil Plus 1, 2 and 3** products all claim to provide nutrients which “make digestion easier”, “strengthen the body’s immune system” and “support development processes”.



Liptis products are manufactured
HOCHDORF Nutricare Ltd.
Siedereistrasse 9
Postfach 691
CH-6281 Hochdorf
SWITZERLAND

www.liptomil.com



Claims make the case that Liptomil helps in daily performance.

Pictures of infants and toddlers idealise the use of **Liptomil Plus** products, said to contain “solid building blocks” to “help kids grow and grow and grow”.

Liptis Nutrition also markets other of infant formulas including **Liptomil Plus LE**, **Liptomil Plus AR**, and **Liptomil Plus HA** that can purportedly prevent problems such as diarrhea, reflux and allergies.



Peacefully sleeping babies and happy infants promote **Liptomil Plus** products on the company's website.



Liptomilk Plus, another special formula for use from birth, claims to provide “Less obesity incidence” without providing any scientific evidence.

PROMOTION IN HEALTH FACILITIES AND TO HEALTH PROFESSIONALS

■ Egypt

- A booth for **Liptomilk** at the International Congress of the Egyptian Society for Neonatal and Preterm Care attracts the attention of many participants with goodie bags containing product materials.



Life-size tins of **Liptomilk** double as counters for delegates.



Goodie bags for delegates who drop by to view **Liptomilk** displays.

■ Ethiopia

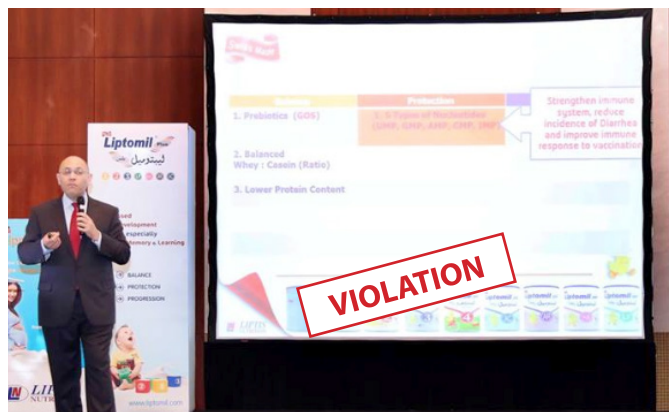
- Desk calendars advertising the full range of **Liptomil** products including **Liptomil** infant formula and follow-up formula are given to hospitals. There are also pictures showing how products are stored in warehouses.



Such blatant promotion is rarely elsewhere in Africa.

■ United Arab Emirates

- The Liptis Nutrition Africa Event in May 2017 attended by hundreds of participants from African countries was in reality a promotional event organised by Liptis Middle East. Pictures on Facebook show big banners promoting the **Liptomil Plus** were everywhere.



A presentation on the Liptomil formula range.



Participants were surrounded by a sea of promotion. They don't look amused.

LOGO



GENERAL INFORMATION

Owned by United Pharmaceuticals, Novalac is a company that hides behind its brand name. Minimal information is available on the company's profile despite its strong presence in more than 50 countries for over 20 years. It has production sites in France and Germany and manufactures 15 different infant formulas for infants and young children up to three years. The products are said to be developed by a team of pharmacists, paediatricians and researchers who claim a shared interest in infant nutrition. Novalac specialises in the production of formulas to "*feed and manage common infant feeding problems*", including colic, reflux, diarrhoea, constipation, allergic reactions and constant waking up due to hunger. The company agrees that these problems are normally short-term but highlights that they "*affect babies, mothers and the entire family*".

In Australia, Mexico and New Zealand, Novalac products are distributed by the well-known pharma company Bayer, without mentioning the product's French roots.

The companies behind the Novalac brand seem to keep a low profile but they do occasionally indulge in aggressive promotion.



A solution for any common feeding problem including colic, reflux, diarrhoea, constipation or even hunger.

PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

■ Botswana

A Novalac growth chart pinned on the door of a paediatric clinic, shows the full range of Novalac infant formula products. The giraffe mascot is displayed on the chart with the slogan "*Feed, manage and care*". Such displays are in violation of the International Code and the Law in Botswana. According to clinic staff, the chart originates from neighbouring South Africa.



Growth charts should not display brand names or logos, nor product pack shots.

PROMOTION TO THE PUBLIC AND IN SHOPS

■ Croatia

Novalac promotes its follow-up formula on a parenting website, www.roditelji.hr. Novalac's entire product range is neatly shown in a pyramid shape while pictures of a content mother and baby imply

the product provides satisfaction. Slogans such as “*finally satisfied*” together with the statement, “*Look for quality in pharmacies*” are further used to idealise the use of Novalac’s products.



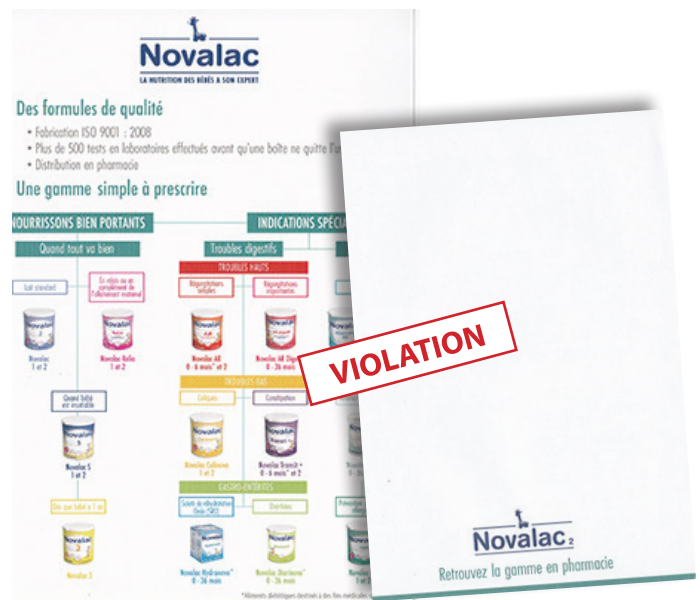
The message to parents to look for quality in pharmacies only idealises **Novalac 2**.

■ France

- A Novalac note pad picked up from a pharmacy has the words “*Prescribe! Advise!*” on it. Doubling as a prescription pad, it promotes the entire range of Novalac products, which the company markets as necessary for “*the quality of life of infants*”. The note pad features 13 different types of Novalac formulas which are all “*available in pharmacies at good prices*”. The bewildering range for baby’s “*quality of life*” includes products described as suitable for babies when “*all is well*” to when baby is constipated, colicky, regurgitating, having diarrhoea, or even just hungry or growing.



The front cover of this Novalac note pad shows a modern dad feeding his young baby with one of the 13 different Novalac formulas that surround the happy family.



Inside, a chart divides the **Novalac** formulas into 2 different ranges – “*when all is well*” and “*when there are specific needs*”. The blank note pad is handy for writing prescriptions.



- The ideal Novalac family also appears on a sign on a shelf of **Novalac** formula products in a retail outlet in Ferney Voltaire, France.

The question “**Novalac or Galia?**” automatically eliminates the option of breastfeeding.

- On the French website an ad tells parents that there is no need to even ask the question which infant formula is suitable for their baby.



This ad implies that **Novalac** is the one and only true answer..

■ Mexico

In conjunction with the 2016 World Breastfeeding Week celebrations, Bayer proudly announced its support for breastfeeding in a Facebook posting. The company shared a picture of a breastfeeding room that it has set up for mothers at their work place and added that it “*supports and cares for its partners who are mothers by providing them a space*” to practice breastfeeding. What the company fails to mention, however, is its real support for the brand **Novalac**: A stool displaying the brand name and mascot is prominently placed in the centre of the room serving as a direct advertisement of the Novalac products. The post has not only gained a lot of positive comments from visitors to Bayer’s Facebook page but has also created an opportunity to strengthen public relations for the company.



And now there’s a formula for caesarian-delivered babies to replace breastmilk!



Bayer uses a leg cushion to remind mothers of an alternative way to feed infants in a room set up specifically for breastfeeding.

LABELLING

■ The United Arab Emirates

A pocket-sized brochure entitled “Caesar tips” is attached to a tin of **Novalac Caesar** infant formula. It explains that caesarean-delivered babies are at a higher risk of developing food allergies, asthma, diarrhea and intestinal infections. It made the spurious claim that **Novalac Caesar** is the only infant formula that can help prevent risks after a C-section as the product contains “*2 important types of healthy and good bacteria (probiotic and prebiotic) which are responsible for enhancing the immune system and protect babies from further allergies and infections.*” The formula is promoted as nutritionally complete and can replace a regular formula to ensure the optimal growth of babies from birth to 1 year old. No mention is made about the importance of breastfeeding, thus undermining the confidence of mothers who undergo caesarian births to breastfeed their babies.

PHYSIOLAC

Avenue Du General De Gaulle
14200 Herouville Saint Clair
France

www.physiolac.com/

LOGOS

Physiolac

GENERAL INFORMATION

Physiolac is the in-house brand for Laboratoires Gilbert, a French manufacturer who claims to use exclusively local cows' milk in its baby food products which are sold only in pharmacies and drug stores. Laboratoires Gilbert works with more than 60,000 client pharmacies and is present in 86 countries in North-and South-America, Europe, Africa and Asia.



A spectrum of formulas that claim to be nutritionally "balanced", suitable for hungry babies and good for preventing regurgitation.

PROMOTION TO THE PUBLIC AND IN SHOPS

■ Cambodia

Laboratoires Gilbert entices mothers to buy its **Physiolac** range of formula products with offers including a free baby singlet for every two tins of formula purchased. An announcement about the offer makes much of the fact that the formula products are made and packed in France, an attractive selling point to middle income families in sub-urban districts of Phnom Penh. The announcement goes so far as to claim that the formula products have ingredients that are similar to mother's milk. These additives include prebiotics such as GOS and FOS which are said to boost

the immune system and provide fibres for the digestive system so that babies can grow well and healthy. Such claims are a violation of the Code; so are gifts to mothers as inducements for sales.



This announcement comes in a shape of a bear which is the **Physiolac** product mascot.



Physiolac's Bio Cereales are not only promoted to be suitable from 4 months but also marketed as suitable to be bottle-fed.



This attractive Physiolac singlet comes at the cost of breastfeeding.

■ Luxembourg

Found in a pharmacy, this **Physiolac Bio 2** brochure is entitled “*for a relay from breastfeeding in accordance with nature*”. While the brochure pretends to promote breastfeeding in reality it promotes **Physiolac** products by offering them as a “*transition after breastfeeding or if breastfeeding is not possible or insufficient*”.

The brochure promotes **Physiolac Bio**, a range of organic products that purportedly contain essential nutrients to respond to the needs of toddlers. It also says **Physiolac Bio** is formulated to support easy absorption and advertises other products, such as the **Physiolac** non-organic range on its back cover.



This Physiolac Bio brochure, picked up from a local pharmacy, recruits pharmacists as products promoters.

“**Breastfeeding - healthier mothers and children, healthier planet.**

Human milk is not skimmed, processed, pasteurized, homogenized, packaged, stored, transported, repackaged, dried, reconstituted, sterilized or wasted. More important to many people nowadays, it is not genetically modified. It requires no fuel for heating, no refrigeration, and is always ready to serve at the right temperature.

In short, it is the most environmentally friendly food available.”

Francis and Mulford 2000

SODILAC

68 rue Villiers
Levallois-Perret Cedex
Levallois-Perret, 92532
France

www.modilac.com

BRANDS COVERED BY THIS REPORT

Modilac

LOGOS


SODILAC


modilac®



GENERAL INFORMATION

Owned by **Sodilac SAS**, a subsidiary of the French-based company Savencia Fromage & Dairy, **Modilac** offers a series of infant formulas for infant and young children up to three years as well as complementary foods. **Modilac** products are marketed in Europe, the Middle East and in Asia.



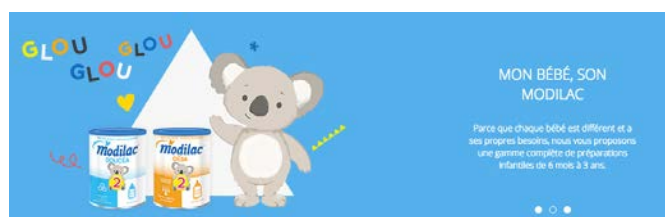
Modilac offers both organic ("Bio") and special milks to treat common feeding problems such as colic and allergies.



Modilac's complementary foods are marketed as suitable to be bottle-fed, thus they are covered by the scope of the Code and their promotion is prohibited.



Same advertisement, different products - Bottom line is that both products are represented as breastmilk substitutes and are therefore Code violations.



This ad publicises the complete **Modilac** range including its "special" milks to support common feeding problems. The slogan reads, "My baby, his **Modilac**".



PROMOTION IN HEALTH FACILITIES AND TO HEALTH WORKERS

■ France

Sodilac hands out Modilac brochures to doctors for use when they give advice on weaning. Pictures of various **Modilac** formulas, including **Modilac Douc  a** infant formula, confirm the promotional content of the brochures. Mothers are advised to wean their infants between 4 and 6 months, undermining the global recommendation of 6 months exclusive breastfeeding.

Modilac's efforts to undermine breastfeeding is also reflected in the following statement, "Do not stimulate your breasts too much: if you do, your body thinks it must keep on producing breastmilk".



Packshots of various **Modilac** products and misleading advice undermine exclusive and sustained breastfeeding.

In a maternity hospital, Modilac distributes leaflets giving infant feeding tips to parents who decide to bottle-feed their babies. A short congratulatory note on the baby's birth is followed by the question "which of the following three was given to the baby during your stay - **Modilac** formulas - **Modilac 1**, **Pre Modilac** & **HA Modilac**?" The leaflet further recommends parents "to buy a box of these milks in a supermarket or pharmacy before leaving hospital" and reminds parents not to "change milk" without asking the opinion of the doctor. The message is signed by the "motherhood healthcare team" of the hospital, a public endorsement of **Modilac** infant formulas by people whose responsibility is to promote breastfeeding.

It says:
Congratulation on the birth of your baby. You've chosen to give an infant milk to your baby. During his stay in the maternity, your baby has been fed wholly or mixed with:

- ☐ **Modilac 1**
- ☐ **Pre Modilac**
- ☐ **HA Modilac**

Buy this milk and stick with it, unless your doctor advises otherwise.

In a health care facility, **Modilac 2** leaflets are distributed, encouraging early weaning (as soon as mother decides) with a guide showing how breastfeeding can gradually be replaced by formula. Mothers are told that the best time to bottle feed

is in the late afternoon when "there is least breastmilk", a deliberate attempt to undermine breastfeeding.

The chart misleadingly tells mums that babies should be fed according to a fixed schedule.

A **Modilac 2** booklet found in a health care facility provides not only tips for new parents but also promotional information on the entire range of **Modilac** products. The booklet encourages early weaning through a guide showing how breastfeeding can be gradually replaced by formula. It offers a set of services to parents including online brochures, recipes for babies and personalised answers to queries. There is a coupon offering a

price reduction of €1,50 (valid only in France) when they purchase a 900g **Modilac Douc  a 2**.



Parents are given misleading advice while a discount coupon is used to induce sales.

Labels of infant cereals contain images of feeding bottles and are promoted as suitable from "4 months on", contrary to WHA recommendations.

In clinics, **Modilac 2** follow-up formula is promoted through baby-on-board car stickers.



Free and mobile advertising for **Modilac 2**.

Breastfeeding in the 21st century: epidemiology, mechanisms, and lifelong effect

Prof Cesar G Victora, MD, Rajiv Bahl, MD, Prof Aluisio J D Barros, MD, Giovanny V A Fran  a, PhD, Prof Susan Horton, PhD, Julia Kr  sevec, MSc, Prof Simon Murch, PhD, Mari Jeeva Sankar, DM, Neff Walker, PhD, Nigel C Rollins for The Lancet Breastfeeding Series Group.

“The importance of breastfeeding in low-income and middle-income countries is well recognised, but less consensus exists about its importance in high-income countries. In low-income and middle-income countries, only 37% of children younger than 6 months of age are exclusively breastfed.

With few exceptions, breastfeeding duration is shorter in high-income countries than in those that are resource-poor. Our meta-analyses indicate protection against child infections and malocclusion, increases in intelligence, and probable reductions in overweight and diabetes. ...

For nursing women, breastfeeding gave protection against breast cancer and it improved birth spacing, and it might also protect against ovarian cancer and type 2 diabetes.

The scaling up of breastfeeding to a near universal level could prevent 823 000 annual deaths in children younger than 5 years and 20 000 annual deaths from breast cancer. Recent epidemiological and biological findings from during the past decade expand on the known benefits of breastfeeding for women and children, whether they are rich or poor.”

[http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(15\)01024-7/abstract](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)01024-7/abstract)

BOTTLES & TEATS

Evidence of violations of the International Code of Marketing of Breastmilk Substitutes and subsequent resolutions

OVERVIEW

Feeding bottles and teats are under the scope of the International Code of Marketing of Breastmilk Substitutes. However, many companies market these products irresponsibly, and take advantage of weaker national legislation. They violate Code articles on promotion to the public, product labelling, information and education, contact with mothers, promotion to health workers and within the healthcare system.

This chapter presents evidence of violations by ten companies: **Philips Avent, Medela, Pigeon** (and its subsidiary **Lansinoh**), **Tommee Tippee, Dr Brown's, Nuby, Munchkin, Nuk, Chicco** and **MAM**. The selection of companies and violations is far from exhaustive.

The following images show that a common strategy used by feeding bottle and teat manufacturers is to present breastfeeding as the gold standard, but to promote their products as either essential for successful breastfeeding or for the transition between breastfeeding and bottle feeding (which discourages breastfeeding). They promote the use of feeding bottles and teats as paraphernalia to aid breastfeeding. Some of them are also manufacturers of breast pumps, which are not covered under the scope. The line gets blurry when they also make products that are complementary foods. Quite often there is little to no information on the health disadvantages to children of not nursing from the breast.

Inappropriate use of social media is another theme that emerges from this report. Companies often exploit social media platforms such as Facebook to post promotional advertisements or messages. WHA 54.2 [2001] condemns the promotion of products within the scope in today's digital age, specifically the use of new modern communication methods and electronic means.

Code articles relevant of this chapter are summarised below.

Promotion (Article 5)

- There should be no advertising or any form of promotion of products under the scope of the Code;
- Companies must not give samples or gifts;
- Marketing personnel must not seek direct/indirect contact with pregnant women or mothers.

Information and education (Article 4) and labelling (Article 9)

- Informational materials must include information on the negative effect on breastfeeding of introducing partial bottle feeding, and the difficulty of reversing the decision not to breastfeed;
- Labels should not discourage breastfeeding and should not have any idealising images of formula feeding;
- WHA 58.32 [2005] prohibits nutrition and health claims unless specifically provided for in national legislation.

Health systems and conflicts of interest (Articles 6 & 7)

- There should be no promotion of products within the health care system, including the display of products, placards and posters, unless approved by the government;
- There should be no financial or material inducement to health workers;
- WHA 58.32 [2005] and WHA 65.50 [2012] urge that financial support or other incentives for programmes and health workers do not create conflicts of interest.

PHILIPS AVENT

AAmstelplein 2 Breitner Center
P.O. Box 77900
1070 MX Amsterdam
The Netherlands

www.avent.philips.com

LOGO



GENERAL INFORMATION

Avent is an English company bought by Philips in 2006 from Charterhouse Venture Capital. It markets its products across Europe, Latin America, North America and Asia Pacific and claims to be the “#1 brand recommended by mums worldwide.” They market two types of baby bottle – “**Classic+**” for babies that are mainly bottle-fed, and “**Natural**” for mothers who want to alternate between breast and bottle. Its products are promoted as “*clinically proven*” to reduce colic and discomfort.

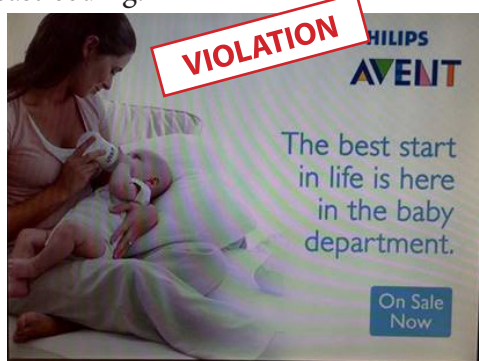
As the report below shows, Philips Avent is a systematic and prolific Code violator.

PROMOTION TO THE PUBLIC

■ Australia

A promotional sign in the ‘Big W’ department store chain claims that **Philips Avent** products offer “*the best start in life*”. The pairing of this text alongside an image of a mother bottle feeding her baby, together with an “*on sale now*” message, blatantly undermine breastfeeding.

The Australian Code does not cover feeding bottles and teats, thus companies are able to promote their products freely. However, this is clearly a violation of the International Code.



■ Brazil

A poster promoting **Avent** feeding bottles in Sao Paulo pharmacies bears the slogan “*healthy start, healthy future*”.

The poster carries an idealising image of bottle feeding.



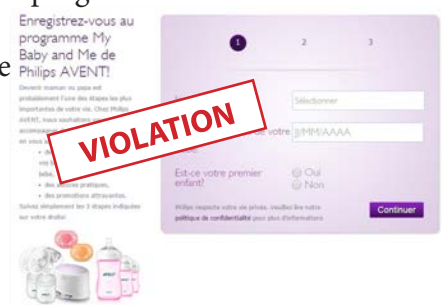
■ France

- Promotion of **Avent** feeding bottles in an online baby store carries the idealising slogan “**bottle feeding close to nature**”. The idea of bonding through breastfeeding is replaced by an image of a father bottle feeding the child. The 10% discount offer is also in violation of the Code.



Avent uses fathers to ride on modern family ideals where men too are also active participants in childcare.

- Parents are encouraged to register with **Avent's** “*My Baby and Me*” programme to receive free advice, practical tips and attractive promotions. The advertisement includes photos of its feeding bottles and teat.



This is product promotion camouflaged as information and education, and a way to ensure ongoing contacts with parents.

■ Mongolia

A post relating to its **Natural** bottles on the Philips Avent Mongolia Facebook page rides on a WHO logo (circled) for the appearance of endorsement from the highest global public health authority.



Shamelessly riding on public health authority to promote products that undermine breastfeeding.



Point-of-sale marketing tactics as such is prohibited by the Code.

■ Russia

Emails sent from a mailing list offer 25% discounts when buying **Avent** feeding bottles and teats online.



Discounts are strictly prohibited by the Code.

PROMOTION THROUGH CORPORATE SPONSORSHIP AND TO MOTHERS

■ Philippines

Philips Avent sets up “*Comfortable Anywhere*” breastfeeding rooms in corporate offices, surely promoting its brand by surrounding mothers with Philips Avent posters and products.



Avent announces on their Facebook page that “nurture packs” with idealising images and products are given to mothers.

■ Singapore

Conflicts of interest continue with Avent sponsoring a breastfeeding challenge (with free goodie bags)

in partnership with a private hospital. The event rides on the name of breastfeeding to gain contact with mothers.



Bottle and teats companies have no business in promoting breastfeeding.

FREE GIFTS

■ Canada

Free feeding bottles are given when pregnant women register for loyalty cards at the fashion



retailer, Thyme Maternity, in Calgary.

Companies plan their marketing way beyond the day when babies are born.

LOGO



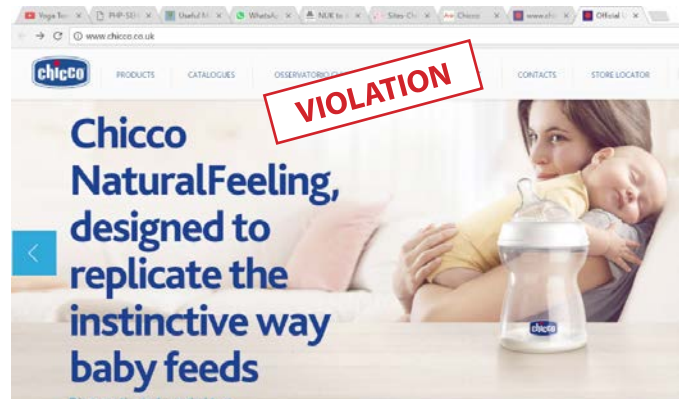
GENERAL INFORMATION

Chicco is an Italian brand and part of the Artsana group. It is one of the largest baby brands in Europe, but also markets its products in the Americas, Asia and the Middle East. It has a market presence in over 120 countries worldwide.

PROMOTION TO THE PUBLIC

■ United Kingdom

Images from the Chicco.co.uk website promoting the **NaturalFeeling** feeding bottle and teat. The feeding bottle is said to “*replicate the instinctive way baby feeds*”. This undermines breastfeeding by equalising it with bottle feeding.



Images of a sleeping, content baby send a message that bottle feeding is tranquil and will give both babies and mothers some much needed rest, in contrast to the more 'active' process of breastfeeding.

■ USA

The Chicco USA website says their “**NaturalFit**” bottles “*work like you do*” – conveying to mothers that their feeding bottles and teats are just like the breast.



The statement “96% of babies latched-on immediately” makes a blatant comparison to latching-on in breastfeeding.

DR. BROWN'S

Handi-Craft Company
4433 Fyler Avenue
St. Louis, Missouri 63116

www.drbrownsbaby.com

LOGOS



GENERAL INFORMATION

Dr Brown's is an American company owned by Handi-Craft. Its patented **Dr Brown's Natural Flow**® bottle is marketed under the tagline "*Happy Feeding*."

PROMOTION TO THE PUBLIC

■ USA

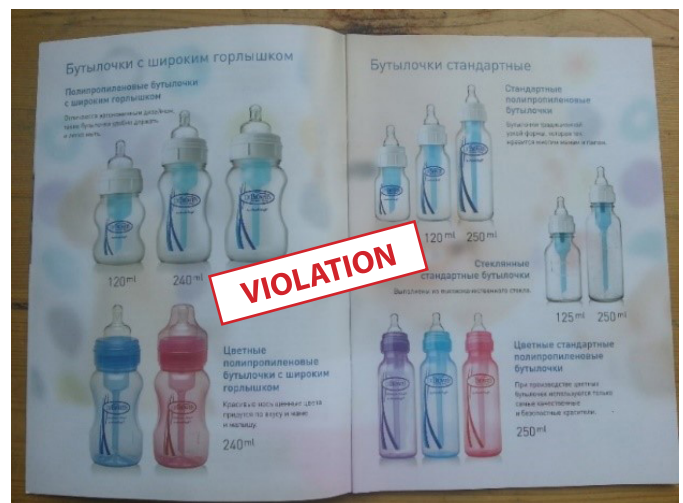
In complete disregard of the Code, a full-page advertisement of **Dr Brown's** feeding bottles and teats is found in an edition of the Fit Pregnancy magazine (October/November 2014).



The ad declares Dr. Brown's is "*simply the best baby bottle*" and contains other idealising statements about its products.

■ Russia

At the WANEXPO festival for pregnant women, a Dr Brown's back drop advertises its products while promotional leaflets are distributed to expectant mothers.



At the expo, Dr. Brown's was also promoting a master class on "*How to choose a bottle?*"

LOGO



GENERAL INFORMATION

Mam was founded in 1976 and is based in Austria and Switzerland. The majority of its sales are generated in Europe, but it holds a large market in the US where it generates around one quarter of its sales.

PROMOTION TO THE PUBLIC

■ Germany

Mam paid for an advert to be broadcast on national television. The advert presents a range of **Mam** products including feeding bottles, which are promoted with idealising imagery.



The Mam bottles claim to prevent colic.

■ Israel

- A Mam Israel Facebook page shows a baby physically pointing to the **Mam** feeding bottle range.



Baby's choice?

- Mam Israel Facebook page shows a giant promotional display at an Expo where Mam invites mothers to join their yoga workshops with baby in tow.



The display backdrop shows images of different parts of a feeding bottle.

■ Singapore

Promotion on the Mam Singapore Facebook page for their **Easy Start Anti-Colic** bottles directs parents to a baby expo where Mam has a promotional booth.



The address of a the baby expo is provided in case parents are interested.

United Kingdom

MAM UK Facebook Page shows the company participating in a Family Day event, complete with a banner of a baby using a feeding bottle.



The bottle is advertised as reducing colic by 80%.

Spain

At a children's sporting event, **Mam** had a stall where there are large promotional signs for its feeding bottles, teats and pacifiers. Mam also held two contests with attractive prices for little athletes to compete for.



An image of a healthy baby is used to idealise the products.

Thailand

The Mam Thailand Facebook page shows mothers with their photos taken while they pose behind a standing banner of a mock Facebook profile frame. The products are promoted to the public as having a "94% acceptance" rate.



Mothers are also encouraged to post these photos on social media, thus becoming unwitting brand-ambassadors for **MAM**.

Retail Discount

France

Promotional discount for the 260 ml **Anti-Colic Bottle Kit** is promoted on the PharmaVie Facebook page.



Tagline "we love babies" contradicts **Mam's** marketing behavior that undermines breastfeeding and thus the health of babies.

■ Malaysia

Promotion on the “My Mam Baby” Facebook page in Malaysia for an **Anti-Colic Starter Set** includes a retail discount and the statement that the set is “*perfect for baby’s first year*”. The caption above the Facebook post referred to this set as “*the ideal gift for a new mom.*”



This ad also violates the Malaysian voluntary Code.



Posted by the contest winner on the Mam USA Facebook page.

Free Gifts

■ France

Mam gives out free anti-colic baby bottles to pregnant women through its French Facebook page.



The post reads, “Pregnant? Get your free **Mam** anti-colic bottle.”

■ USA

Mam sends out this gift pack to winners of a contest. It includes a feeding bottle, as well as a voucher for a USD5 discount on the next **Mam** purchase.

LOGO



GENERAL INFORMATION

Medela is a Swiss company founded in 1961, with 18 subsidiaries in Europe, North America and Asia. As a leading manufacturer of breast pumps, it describes itself as a research-based company. In 2008, Medela started making and promoting, the **Calma** teat. That landed it into the league of Code violators. Medela began using new language to “stretch the rules” and get around the scope of the Code, promoting the Calma teat as a “feeding device”, and calling the feeding bottles attached to their pumps “storage systems”.

Another area of concern that has developed since BTR 2014 is Medela’s sponsorship of public health research programmes such as the Breastfeeding Friendly Country Index Project in 2015, through the Family Larsson-Rosenquist Foundation of Zug, Switzerland which the company is affiliated to. Riding on a partnership with the academically-acclaimed Yale School of Public Health, the project aims to measure effectiveness of breastfeeding promotion programmes around the world. The Index only focuses on exclusive breastfeeding for the first 6 months, disregarding the WHO recommendation of continued breastfeeding until two years or beyond. Medela is also involved in other research activities through the Foundation’s sponsorship of a professorship for human lactation research at Zurich University. Neither announcement on the Zurich nor the Yale sponsorship mentioned the Foundation’s vested interest in Medela.

Several WHA Resolutions, including WHA 49.15 [1996], WHA 58.32 [2005] and WHA 65.50 [2012] call upon countries to establish mechanisms to

safeguard against conflicts of interest in infant and young child nutrition which the research projects may propagate.

PROMOTION TO THE PUBLIC

■ France

A promotion in the *Bébé au Sein* magazine for its **Calma** teat (and a double pumping breast pump), claims the teat allows the baby to use the same suction movement and the same muscles as on the breast, implying that it will return more easily to the breast.



Confusing mothers by leading them on to think switching back and forth between breast and bottle is acceptable when it is in fact a practice that usually means the end of breastfeeding.

■ Hong Kong

The Medela Hong Kong Facebook page shows a large promotional stall at a baby expo, complete with discounts for their feeding bottles and teats and free gifts of baby products with a purchase.



Giving out free feeding bottles and teats promoted as storage devices for breastmilk is a deliberate attempt to circumvent the Code’s restrictions.

■ South Africa

The Medela booth at the first South African Breastfeeding and Lactation Symposium was a platform for the promotion of its feeding bottle and teats.



A selection of Medela feeding bottles and teats on display at the symposium with an attractive backdrop to idealise the products.

■ India

Medela has created the LactoClave initiative, which involves bringing 'medical experts' to discuss breastfeeding. The initiative also features a 'LactoCafe' where mothers can video chat with experts and midwives. Health workers' fiduciary duty is to protect breastfeeding, initiatives such as these are fraught with conflicts of interest.



Under the guise of promoting breastfeeding, health workers have become representatives of the company, aiding contact with mothers. Their participation equals endorsement of the company.

Human rights violator or supporter

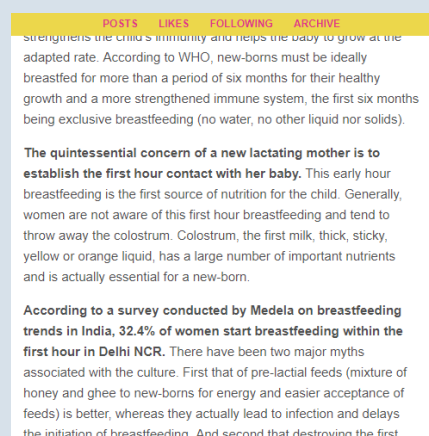
Apart from being involved in breastfeeding research through its affiliated foundation, something breastfeeding advocates view with alarm, Medela was also a sponsor of the Human Rights in Childbirth India Conference. UNICEF and the Committee on the Convention of the Rights of the Child considers Code violator to be a human rights violator so Medela is obviously trying to spruce up its image through some whitewashing. On the conference website, data from breastfeeding research conducted by Medela in India was also cited, so it is one for gaining legitimacy among breastfeeding advocates for some much needed goodwill.



Medela, a sponsor of the upcoming Human Rights in Childbirth Conference, articulates the need of infants to breastfeed.



Paying lip-service to breastfeeding while violating the Code is certainly not considered to be exemplary behaviour by human rights advocates.



Double-dipping in conflicts of interest – justifying conference sponsorship with sponsored research data on breastfeeding.

MUNCHKIN

Munchkin, Inc.
7835 Gloria Avenue
Van Nuys, CA 91406

www.munchkin.com

LOGO



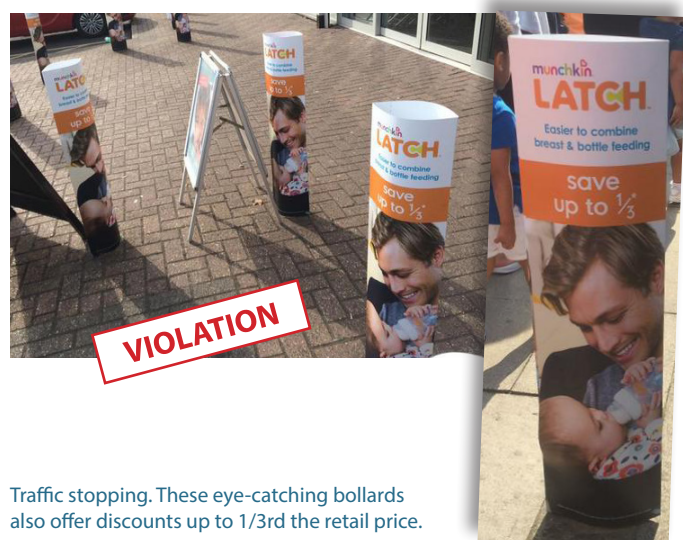
GENERAL INFORMATION

Munchkin was founded in 1991 in Los Angeles, California, and now has 7 offices worldwide. Its flagship product is the Latch bottle, which has an accordion-style nipple that “stretches like the breast”.

PROMOTION TO THE PUBLIC

■ England

As part of a nationwide campaign, Munchkin places large adverts on security detectors and traffic bollards in various cities across England. The adverts exclaim “*easier to combine breast & bottle feeding*”, with a picture of a father bottle feeding his baby, which will no doubt win favour with busy mothers.



Traffic stopping. These eye-catching bollards also offer discounts up to 1/3rd the retail price.

■ Singapore

A full-page advertisement of the Latch feeding bottle appears in the Motherhood Magazine. The picture shows a mother breastfeeding, but there are three illustrations showing how the bottle “stretches”, “pumps” and “moves” like the breast. Together with the claim that **Munchkin** have “*reinvented the bottle to be more like the breast*”, the advertisement is sending the message that bottle feeding is comparable to breastfeeding.



“Love at first latch”.

LOGOS



GENERAL INFORMATION

The Nuby brand is based in Louisiana, USA, and sells in over 155 countries worldwide. It was founded by the company 'Luv n' Care' in 1970. Like many brands from other feeding bottle and teat companies, it says it takes inspiration from nature in its product design. Nuby claims its products can "bring you and baby closer together", and are "modelled on mom so that [babies] can switch between breast and bottle feeding with ease."

PROMOTION TO THE PUBLIC

■ Egypt

- A large banner promoting Nuby feeding bottles as "number 1" in a toy shop.



A promotional booth is set up to right next to the banner.

- Nuby Egypt's Facebook page shows it held a "Super Parents Event" in Alexandria where a corporate video was shown to promote Nuby products. There were large promotional banners showing Nuby products at the event hall and a health professional was in attendance to promote Nuby products.



Throwing lavish events is one way to win parents' goodwill.

A trampoline competition, Nuby Got Talent, is held to keep children entertained.

■ Mongolia

A promotional **Nuby** banner with an image of a baby clasping a feeding bottle is seen at a baby fair. **Munchkin** is another brand that also violates the Code as seen in this picture.



With a targeted customer base, baby fairs are hotbeds for promotion.

PROMOTION IN HEALTHCARE FACILITIES

■ Saudi Arabia

Nuby sponsorship of a breastfeeding event at a hospital allows it to put up a display table to facilitate the distribution of gifts to mothers and hospital staff during the event.



Infiltrating the healthcare system gives companies access to their key targets – pregnant women, mothers, and health workers all in one place.

■ Taiwan

Images from the **Nuby** Taiwan Facebook page promote their **Soft Flex Easy-Latch Nipple**, claiming that its design mimics the mother's nipple.



It claims its feeding bottle “knows how to breathe”.

LOGO



GENERAL INFORMATION

Nuk is a German brand developed by two dental health professionals in the 1950's. The orthodontic shape of its teats is characteristic of the brand and is meant to mimic the asymmetric shape of a mother's nipple during breastfeeding. Like others, Nuk says nature is the source of inspiration for its products.

PROMOTION TO THE PUBLIC

■ Hong Kong

In the carpark of a shopping mall, large banners advertise the Nuk brand to mothers coming for a "mothers' workshop" courtesy of Nuk.



The public are encouraged to 'like' the NUK page on social media.

■ Moldova

Advertisements in the Mama magazine contain idealising images of bottle-feeding and claim that Nuk products create a "strong foundation for healthy future."



It is common practice for companies to advertise breast pumps with their feeding bottles and teats.



■ Singapore

Nuk runs a full-page advertisement in Motherhood Magazine, showing a range of its Disney baby feeding bottles and teats.



This ad is further compounded with idealising statements drawing similarities between Nuk products and the breast.

FREE GIFTS

■ France

Nuk sends out gift boxes filled with its feeding products to mothers.



Mums will want to try out this bottle.

■ USA

In its “100 Days of Giveaways” campaign, Nuk encourages parents to enter the “Win-Win Bottle Sweep Stakes” for a chance to win a free Nuk Advanced Bottle.

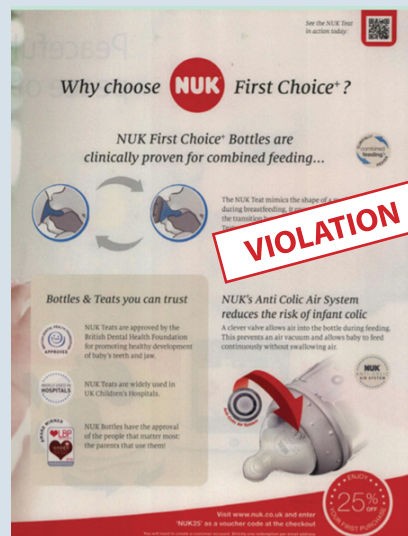


Enticing parents with free gifts.

NUK BACKS OFF

■ UK

IBFAN's UK group Baby Milk Action complained to the Advertising Standards Authority (ASA) about Nuk's advertising claim that its **First Choice** bottles and teats are “clinically proven for an optimal combination of breast and bottle feeding”. Apparently, these claims are not proven by the study referenced in the ad. As a result, Mapa Spontex, the company behind Nuk in the UK, agreed to drop its ‘clinically proven claim’ from future advertising.



Changes promised for this ad..

Note the 25% promotional discount at the bottom of this advert.

PIGEON (AND LANSINOH)

4 - 4 Nihonbashi Hisamatsu-cho Chuo-ku, Tokyo 103-8480 Japan

www.pigeon.com

Lansinoh Laboratories, Inc.
333 North Fairfax Street Suite 400, Alexandria, VA 22314, USA

www.Lansinoh.com

LOGOS



GENERAL INFORMATION

Pigeon was founded in 1957 in Japan by Yuichi Nakata, and the company claims it has dedicated 60 years of research on the sucking behaviour of babies. It markets various types of feeding bottle across its network of subsidiaries in Singapore, Malaysia, India, Thailand, Korea, China, and USA. In 2014 **Lansinoh** Laboratories, Inc. based in Virginia, USA was acquired by **Pigeon**.

PROMOTION TO THE PUBLIC

■ Singapore

Pigeon advertises its “*SoftTouch peristaltic PLUS*” feeding bottle and teat in the Mother & Baby magazine. Touted as “*loved by babies*”, the bottle’s ad shows a picture of a young baby feeding from a **Pigeon** bottle.



Testimonials from mothers are used as promotional tactics.

■ Turkey

Lansinoh promotes its new **NaturalWave** bottle on Facebook (top) by exclaiming an “*approval rate of 9/10 by mothers*”. Below the post are conversations between a Lansinoh representative and mothers, the representative raving about how the bottle allows babies to practice similar suction movements as on the breast.

A similar advert in the UK appears on the Lansinoh Family Facebook page.



Lansinoh uses customer testimonials as a strategy to appeal to other parents.

■ UK

The Lansinoh Family Facebook page shows large promotional displays at a baby expo.

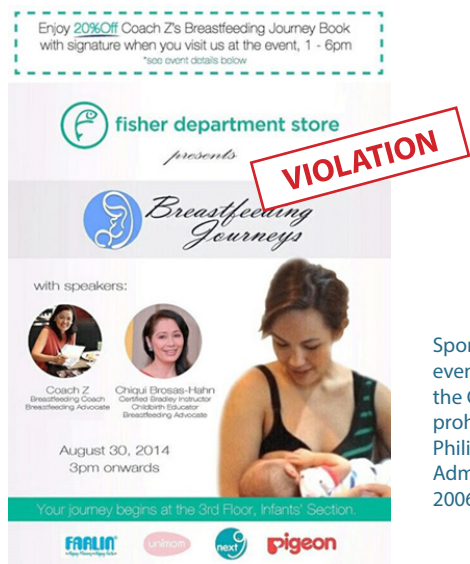


Idealising images are plastered all over the back panel to promote **Lansinoh** feeding bottles and teats.

SPONSORSHIP AND CONFLICTS OF INTEREST

■ Philippines

A mother's class themed "*Breastfeeding Journeys*", which Pigeon co-sponsored with Farlin at a department store, is widely advertised through posters.

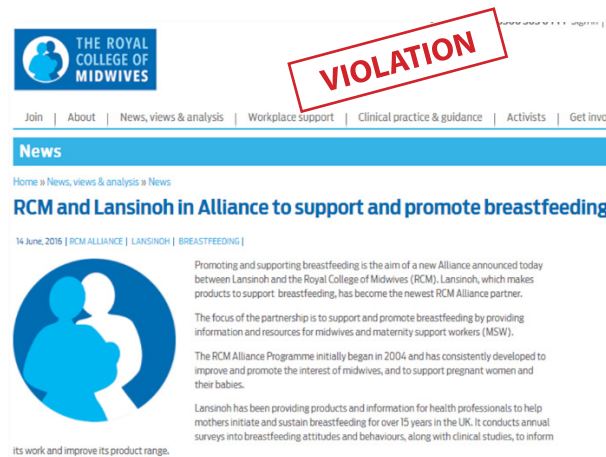


Sponsorship of these events goes against the Code and is prohibited by law in the Philippines (Section 22 of Administrative Order No 2006-0012).

■ UK

In 2016 Lansinoh became an Alliance Partner of the Royal College of Midwives (RCM) and sponsored the RCM 'Team of the Year' Award. The Partnership focuses on supporting and promoting breastfeeding by providing information and resources for midwives and health workers, with an aim to help mothers initiate and continue breastfeeding "*for as long as possible*."

This presents a serious conflict of interest as Lansinoh's interest lies in selling as many bottles and teats as possible.



The partnership is inherently fraught with conflict of interest.

UNAUTHORISED ASSOCIATION

- In a post on the Lansinoh Family Facebook page, Lansinoh rides on the back of World Breastfeeding Week (WBW) by claiming to be raising awareness of links between breastfeeding and the Sustainable Development Goals.



Promoting brand awareness under the guise of corporate social responsibility.



Using a quote from WABA's Chairman Emeritus without permission.

- Apart from riding on the reputation of WBW, **Lansinoh** also tries to give the appearance of being associated with WABA (WBW's organiser) by replicating its logo on Facebook pages, and by using a quote from its Chairman Emeritus, without permission from either.

TOMMEE TIPPEE

Mayborn Group Limited
Northumberland Business
Park West, Cramlington,
Northumberland, NE23 7RH

www.tommeetippee.com

LOGO



GENERAL INFORMATION

Tommee Tippee is owned by the Mayborn Group and is headquartered in Newcastle, UK. Its feeding bottles are designed to “mimic the natural flex, stretch and movement of mum’s breast”. With the ever-growing importance of social media, Tommee Tippee created the #ParentOn hashtag to unify its marketing campaign and encourage parents to “embrace and smile about the imperfections of parenthood.”

PROMOTION TO THE PUBLIC

■ Israel

A promotional advert for feeding bottles and teats in the Horim Veyeladim (Parents and Children) magazine. The advert claims that “baby won’t know the difference.”



Giving deceptive advice to parents. Surely babies know the difference between mum’s breast and a piece of silicon.

■ Lebanon

- Tommee Tippee billboards along the roadside promote its feeding bottles and teats as being “closer to nature”.



The picture of an infant being bottle-fed by its father may be inspiring for new parents, but the promotion is at the expense of the baby’s health.

- Tommee Tippee bottles are given free with the purchase of baby diapers at local shops.



Free gifts are forbidden by both the Code and the Lebanese Law #47/2008.

■ UK

Mothers received emails from a Mothercare baby club about a Tommee Tippee Easter deal that promotes their “breast and bottle feeding set” as “everything you need for your feeding journey”.



Making mothers believe that it is a sound practice to switch between breast and bottle feeding.

Code Monitoring On-the-Go



IBFAN-ICDC

INTRODUCES SMART MONITORING with our new smart phone app*

Download the app **KoBoCollect** from 'Play Store' and follow the easy steps to install the forms.

Available on all Android devices.
*Built on KoBoCollect

www.ibfan-icdc.org



IBFAN-ICDC has launched Smart Monitoring App & Online Forms

The implementation and enforcement of the International Code of Marketing of Breastmilk Substitutes is imperative to protect optimal infant and young child feeding. An independent and transparent mechanism to monitor industry's compliance with the Code and national measures is needed.

To keep up with the rapid changes in marketing tactics and technology, as well as to provide easy on-the-go access for monitors, ICDC, has launched the **Code Monitoring Smart Phone App and Online Monitoring Forms**.

The new smart phone app can be downloaded on any Android device, and allows instant access to 8 interactive monitoring forms, including the "Quick and Easy" Form. Monitors can collect and report evidence of violations and unethical practices instantaneously through the smart phone app, and the evidence is directly sent to IBFAN-ICDC's database.

To download the smart phone app:

<https://play.google.com/store/apps/details?id=org.koboc.collect.android&hl=en>

10 Easy Steps

to Monitor with KoBoCollect

Make sure you are connected to the internet

KoBoCollect app runs on Android only

*Other mobile devices or computers can access the web-based forms (Enketo)

1. On your Android device, open KoBoCollect and open the **General Setting**.
2. In General Settings, under **URL**, enter the exact URL - <http://kc.humanitarianresponse.info/code/>
3. Go back to the home menu and click **Get Blank Form**. A list of forms from will be shown.
4. Click **Toggle All** (or select the ones you wish to download), then click **Get Selected**.
5. In your home menu, click on **Fill Blank Form** and select the form to fill in.
6. Go through all the questions (swiping your finger from right to left).
7. At the end click on **Save Form and Exit** (making sure the form is marked as 'finalized').
8. From the home menu, click on **Send Finalized Form**.
9. A list of your most recently collected forms appears.
10. Click **Toggle all** (or select the ones you wish to send), then click **Send Selected**. Your forms will be sent to IBFAN-ICDC's database.

To access our new online monitoring forms:
<https://www.ibfan-icdc.org/report/>

YOU can be a monitor and help protect infant health!

Quick & Easy Form

IBFAN continuously compiles violations and welcomes your input

Have you noticed any company practices lately which violate the International Code or subsequent resolutions? Or which discourage breastfeeding? If so, help us collect the information by photocopying and completing the form below and sending it to - **IBFAN-ICDC, P.O. Box 19, 10700 Penang, Malaysia.** E-mail: code@ibfan-icdc.org

An electronic form is also available online at <https://www.ibfan-icdc.org/report/>

Name:

Which IBFAN group, if any:

Address:

E-mail:

The above information is necessary to enable IBFAN-ICDC to double-check the information you have given, if necessary.

Your identity will be kept confidential

* * * * *

Description of Code violation (please answer all questions, especially the when, where, who, what and how)

1. Short description (include heading or slogan found on company materials)

2. **When** was the violation observed? (dd/mm/yyyy)

3. **Where?** (place, city and country)

4. **Who** is violating the Code and **how?**

Company	Brand	Type of product ¹	Type of violation ²

¹ Type of product

- A. Infant formula including special formula
- B. Follow-up formula
- C. Growing-up milk
- D. Cereal
- E. Fruit/vegetables/meat puree

- F. Juice/tea/mineral water
- G. Bottle
- H. Teat
- L. Other (write under 'type of product')

² Type of violation

- A. Advertisement - in print/online
- B. Commercial promotion in health facility
- C. Company contact with mothers - in person/via internet/social media/phone app
- D. Donation of products to health facilities
- E. Free sample

- F. Gift to health worker
- G. Gift to mothers
- H. Inadequate labelling
- I. Promotion in shops
- J. Sponsorship
- K. Other (please explain, use another sheet of paper if necessary)

If specimen or picture is attached, tick here ☐

5. **Observation/details** (please use another sheet of paper if necessary)

• Where possible, include actual specimen, photographs or scanned images of Code violations with your form

Thank you!
Together we are strong



About IBFAN

The International Baby Food Action Network (IBFAN) was founded in October 1979 and is now a coalition of 273 citizen groups in 168 developing and industrialised nations.

- IBFAN works for better child health and nutrition through the promotion of breastfeeding and the elimination of irresponsible marketing of infant foods, bottles and teats.
- The Network helped to develop the WHO/UNICEF Code of Marketing of Breastmilk Substitutes and is determined to see marketing practices everywhere change accordingly.
- IBFAN has successfully used boycotts and adverse publicity to press companies into more ethical behaviour. IBFAN also helps to promote and support breastfeeding in other ways.



About ICDC

The International Code Documentation Centre (ICDC) was set up in 1985 to keep track of Code implementation worldwide.

- From 1991 to 2016, ICDC has trained over 2000 government officials from 148 countries in drafting sound legislation to protect breastfeeding.
- ICDC training had a positive impact on Code implementation in 77 of these countries.
- ICDC collects, analyses and evaluates national laws and draft laws.
- ICDC also conducts Code monitoring courses and maintains a database on Code violations worldwide.
- ICDC publishes a global monitoring report, *Breaking the Rules, Stretching the Rules* and the *State of the Code by Country* chart every three years.

IBFAN-ICDC

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