

Examples of Violations of the International Code of Marketing of Breastmilk Substitutes

Source: IBFAN-ICDC, Breaking the Rules, Stretching the Rules 2010, Penang: IBFAN Sdn Bhd, 2010



1. Nestlé

Over the border in Canada, a joint initiative of Health Canada and the Canadian Food Inspection Agency (CFIA) in 2007 failed to stop Nestlé from using unproven or misleading nutrition and health claims on labels of its formula products, **Good Start** and **Follow-up Transition** formulas. Noting how there is a huge potential for misrepresentation and consumer deception, CFIA itemised eight items for the company to change on labels to comply with Canada's food and drug regulations on nutrient content claims or diet-related health claims. Facing imminent prosecution, Nestle made the required changes to three statements buying itself time for negotiation on the other items. A Nestlé Canada spokeswoman commented in a January 2010 press report that *"Nestle is fully committed to complying with Health Canada's Food and Drug Act and Regulations for all of our products including infant formula and that we take this matter very seriously."* The fact that Nestlé waited three years and the threat of prosecution before partially complying puts that commitment into question. Incidentally, **Good Start** in Canada is still marketed under the Nestlé name so no **Gerber** baby face, unlike in the US.

This report is compiled either according to themes or geographical location. As the way Nestlé interprets the Code is very different from the actual text of the Code and its subsequent resolutions, the table on the following page will help readers understand where and how they differ.



The ban on health and nutrition claims as imposed by this letter to industry was ignored for 3 years



The look may be new, but Nestlé still violates CFIA's instructions. See main story.

PUSHING THE LIMITS IN CANADA & THE USA

According to Nestlé, some countries, including the United States and Canada, have decided that it is not appropriate to implement the International Code in national measures. In such countries, Nestlé says it follows national decisions and has used other means to fulfill the aim of the Code. The company claims to meet obligations in implementing the Code and monitoring its own practices in keeping with those governments' decisions. It ignores the Code's provision 11.3.

This, according to Nestlé, is the only way to "respect" countries' prerogative to *"take action appropriate to their social and legislative framework and their overall development objectives to give effect to the principles and aim of this Code"*.

Nestlé states that it will not go counter to national decisions in some industrialised countries. The Nestlé company profile shows how regulations on claims in Canada and USA have been ignored. It calls into question the company's commitment to respect national laws and decisions. And the facts below speak for themselves.

In Canada:

- a Nestlé ad in *Today's Parent* magazine and in the *Chatelaine* magazine promotes Good Start by illustrating how bottle feeding is equivalent to breastfeeding. The ad bearing the slogan *"we learned from the best ... so we could give you and baby our best"* dismayed Facebook members who criticised the ad on the on-line social network. One complainant who wrote directly to Nestlé, received the assurance that the ad's intention is to communicate the benefits of Good Start for

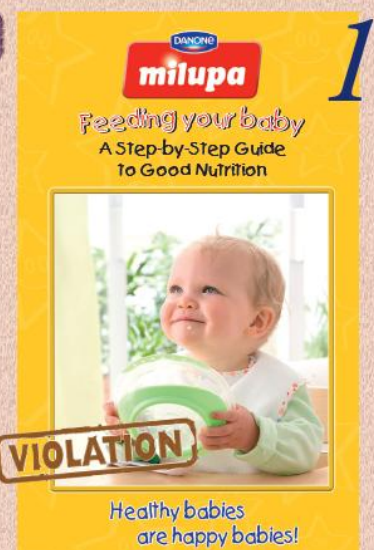
mothers who cannot or choose not to breastfeed, while clearly conveying that breastmilk provides the optimal nutrition for baby. Nestlé claimed their consumer research even showed that intent to breastfeed increased slightly after mothers viewed the ad and that these mothers were impressed to see Nestlé clearly communicating that breastfeeding is best. Nestlé stated that the Canada Advertising Standards Board (an industry body) had adjudicated on a complaint over the ad and given the company the all-clear. Nevertheless, the company must have been so alarmed by the outpouring of anger over the ad that they decided to stop using it. Anti-Nestlé public sentiments is bad for public relations.

Nestlé said it will withdraw this ad following protests by Facebook bloggers. However, a similar ad is still found on the Nestlébaby website in Canada. (http://www.nestle-baby.ca/en/products/formula/starter/goodstart_naturalcultures.htm, accessed on 17 Sept 2010)

2. Danone

Misleading text and pictures which violate the Code

- 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.
- ❖ In Canada, Milupa's *Feeding Your Baby*, a step-by-step guide to good nutrition which is available online, informs mothers that “Babies fed on formula grow and develop as well as breastfed babies.” Mothers are also advised, despite the global recommendation on breastfeeding, to give solid foods to babies at 4 months because they will require “additional nutrients which breastmilk or formula alone cannot supply.” There is also promotion of Milupa ‘starter cereals’. (see 1)



3. Heinz

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.
- WHA resolution 54.2 (2001) advises exclusive breastfeeding for six months which means that the recommended age for use of complementary foods cannot be under six months.
- ❖ An ad in Azerbaijan promotes **Heinz Hypoallergenic Cereals** from 4 months with the statement that “at this age, pediatricians recommend introducing supplementary foods”. Warning mothers to better play safe than be sorry, the ad continues that “it is better to start with hypoallergenic cereals, which lower the risk of development of allergies.” As that statement is not convincing enough, Heinz goes further by saying “If your child already suffers from allergies, the new Heinz cereals will help to solve this problem”. (see 1)
- ❖ In Canada, the Heinz website at http://www.heinzbaby.com/en_ca/triple_tested_products/infant_formula_toddler_nutrition/ promotes **Heinz Nurture** Infant formula as “our Best for your Baby”. The relevant web-page draws similarity between its products and breastmilk. It says: “Breastfeeding is the optimal method of feeding your infant. However, if you cannot or choose not to breastfeed your baby, an iron fortified infant formula is an acceptable alternative because it provides similar amounts of energy (calories), protein, vitamins and minerals to those normally found in breast milk.” (see 2)

