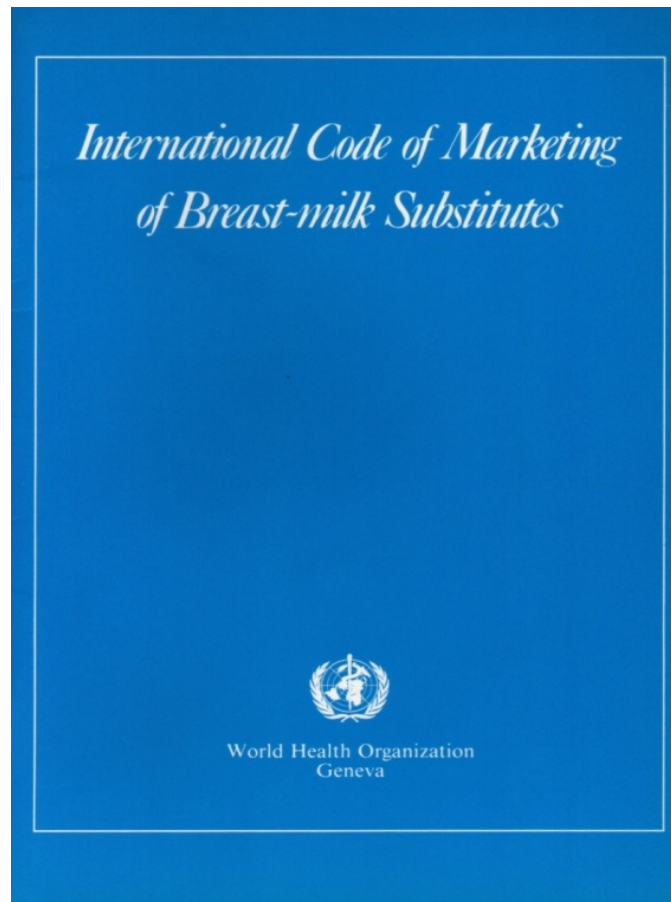




**NESTLÉ'S INVESTIGATION OF  
REPORTED NON-COMPLIANCE WITH  
THE WHO INTERNATIONAL CODE OF MARKETING OF  
BREAST-MILK SUBSTITUTES**



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## **EXECUTIVE SUMMARY**

“Breaking the Rules, Stretching the Rules 2010” is a report prepared by the International Baby Food Action Network (IBFAN). It describes IBFAN’s view of incidents of non-compliance to the International Code of Marketing of Breast-milk Substitutes (WHO Code) by major infant food manufacturers. These concerns have been collected over a period of three years

This 2010 report describes a total of 130 concerns about Nestlé’s infant food marketing practices in different countries. Like with past reports, Nestlé has reviewed, investigated and responded to each one. The present report, intended for interested stakeholders, outlines our responses to these 130 reported concerns. This is prepared for reporting purposes and is not intended to give any enforceable rights to third parties.

Of the 130 reports contained in the IBFAN report, 72 to lower-risk countries, 57 related to higher-risk countries, and one was unspecified. Incidents in lower-risk countries were all found to be in accordance with national decisions regarding the implementation of the WHO Code.

In higher-risk countries, where Nestlé follows the WHO Code as minimum requirement, 4 areas of concern were identified. Although these were not WHO Code or Nestlé Policy contraventions, corrective actions were taken to ensure that our marketing practices reflect a high sense of responsibility.

In addition, 3 reported concerns related to activities carried out by third parties (retailers and distributors) on their own initiative. While Nestlé makes major efforts to ensure that third parties are aware of their responsibilities regarding the WHO Code, non-compliance on their part is not considered as a breach of the WHO Code by Nestlé as our control over third parties is limited.

## INTRODUCTION

Nestlé aims to contribute to the best possible start in life for infants. This means protecting and promoting breastfeeding and ensuring the proper use of high quality breast-milk substitutes when these are necessary, on the basis of adequate information and through appropriate marketing and distribution. Infant formula is the only product which is recognised by the WHO as a nutritionally appropriate substitute for breast milk. However, it is a tragic reality that caregivers who need alternatives to breast milk, too often use nutritionally inadequate products such as plain cows' milk or rice water to feed infants<sup>1</sup>. Nestlé aims to provide the highest quality infant formula to those infants who do not have access to breast milk. We also aim to provide the best possible sources of nutrition to older infants and young children when they reach the stage of needing complementary foods.

Nestlé continues to publicly state its support for the WHO recommendation of 6 months exclusive breastfeeding followed by the introduction of weaning foods and continued breastfeeding for as long as the mother and child desire. Furthermore, we protect and promote breastfeeding on product labels, on information brochures, posters, in seminars and other forums.

We recognise that the International Code of Marketing of Breast-milk Substitutes (the “WHO Code”) is an important instrument for the protection of infant health in countries, particularly where public health concerns are higher. Nestlé was the first company to voluntarily implement the WHO Code in developing countries and since 1982 has embedded it into the Company practices. The extensive procedures needed to put this in place have been regularly improved over the years. Among these procedures are continually training and testing of Nestlé personnel, and the monitoring and auditing of our compliance with the WHO Code. Nestlé’s practices are also regularly examined by internal auditors and by an external social auditing company, Bureau Veritas. As part of our effort to be clear on our commitment to WHO Code implementation, we publish the findings.

We also commit to respond to all concerns made by internal and external stakeholders, such as those contained in the “Breaking the Rules” reports published by the International Baby Food Action Network (IBFAN).

### 1. Background information about IBFAN’s “Breaking the Rules” reports

In December 2010, IBFAN published a report entitled “Breaking the Rules, Stretching the Rules 2010” (IBFAN report). The IBFAN report is a collection from the past three years of concerns that the marketing activities of several companies were not compliant with the WHO Code. Nestlé has been reviewing and responding to IBFAN concerns about Nestlé practices for many years.

The IBFAN report described a total of 130 incidents concerning Nestlé’s activities. Of these, 57 related to higher-risk countries, 72 to lower-risk countries and one was unspecified. Nestlé reviewed each in detail against the WHO Code and the Nestlé Policy and Instructions and provided a response about each one of them. Out of the 130 concerns raised by IBFAN, 4 incidents were identified as needing improvement. Although these were not WHO Code or Nestlé Policy contraventions, measures were taken to ensure that our marketing practices reflect a high sense of responsibility. These related to generic communication to the general public (non-product related), the labelling of a sweetened milk product, scientific material for the exclusive use by healthcare professionals and informational activities carried out by Nestlé representatives and involving healthcare professionals.

In addition, action was taken on 3 activities carried out by third parties (retailers and distributors) on their own initiative. These cannot be considered as breaches to the WHO Code by Nestlé as they are

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<sup>1</sup> For more information, please refer to UNICEF’s “Tracking Progress in Maternal and Child Nutrition: A survival and development priority”, available at < [http://www.unicef.org/publications/index\\_51656.html](http://www.unicef.org/publications/index_51656.html)>

initiatives taken by third parties over whom we have limited control. Nevertheless Nestlé takes strong measures to ensure that third parties are aware of the responsibilities regarding compliance with the WHO Code.

By way of comparison it may be helpful to consider the IBFAN reports of 2004 and 2007 and the outcome of investigations made by Nestlé into the concerns reported therein. In 2007, IBFAN had made 169 reports, of which Nestlé found nine incidents that had already been subject to, or still required, corrective action. This number showed a significant reduction from the 200 reports of alleged non-compliance contained in the IBFAN report 2004, in respect of which 24 incidents had been corrected or needed corrective action (see table below).

Reports of the results of all our investigations on the Breaking the Rules reports can be found at <http://www.babymilk.nestle.com/who-code-compliance/allegation-and-nestle-responses/Pages/default.aspx>

**Table: IBFAN Reports 2004 – 2010**

<b>IBFAN Report</b>	<b>Total number of reported concerns</b>	<b>Reported concerns in higher-risk countries</b>	<b>Reported concerns in lower-risk countries</b>	<b>Reported concerns which needed remedial action</b>
2004	200	172	28	24
2007	169	84	85	9
2010	130	57	72 (1 unknown)	4

## **2. Methodology**

The methodology used in evaluating the reports of non-compliance is intensive and involves work at Nestlé’s Corporate Headquarters in close collaboration with Nestlé subsidiaries around the world. This methodology comprises the following steps:

- List the reported concerns by category and country
- Check which are new, ask Nestlé subsidiary or unit concerned to investigate and provide facts, materials and analysis
- Analyse the information and materials received against the reported concern
- Revert to the subsidiary or unit concerned in the event that additional clarification is needed to reach a definite conclusion as to whether the reported concern is founded or not
- Develop and agree on conclusions at Corporate Headquarters
- Inform the concerned subsidiary or unit of our conclusion and instruct them to take remedial action where relevant
- Publish the final report on our website <http://www.babymilk.nestle.com/who-code-compliance/allegation-and-nestle-responses/Pages/default.aspx>

## NESTLÉ'S IMPLEMENTATION OF THE WHO CODE

Nestlé has developed a unique global programme to ensure compliance with the WHO Code across all Nestlé's operations. This includes the following:

### ❖ **Nestlé Policy and Instructions for implementation of the WHO International Code of Marketing of Breast-milk Substitutes**

The World Health Organization (WHO) has consistently clarified that it is governments who have the responsibility for defining implementation of the WHO Code within their countries. Thus, as a matter of principle Nestlé universally follows all countries' implementation of the WHO Code.

However, because of a heightened need to protect children in countries of the developing world with higher public health concerns, Nestlé voluntarily issued detailed implementation instructions on Company policy with regard to the WHO Code to all personnel involved with the marketing of breast-milk substitutes. First published in 1982, the Nestlé Policy and Instructions<sup>2</sup> apply to all higher-risk countries<sup>3</sup> where Nestlé has an infant nutrition business. Where such higher-risk countries have local codes or other national measures giving effect to the WHO Code, the strictest rule applies. A summary of our Infant Formula Policy in higher-risk countries can be found in Annex A<sup>4</sup>.

In lower-risk countries, Nestlé respects national codes, regulations and other applicable measures relating to the marketing of breast-milk substitutes, such as the European Union Directive 2006/141/EC on Infant Formulae and Follow-on Formulae which applies to all EU Member States.

### ❖ **Training, testing and compensation on WHO Code knowledge**

Nestlé trains all its personnel involved in marketing of breast-milk substitutes on the WHO Code in higher-risk countries. Personnel are tested regularly on their knowledge of the WHO Code, and their performance on the tests is a criterion upon which salary increases and promotions are based. Code violations are also taken into account regarding decisions on salary increases, promotions, and if serious enough, may lead to termination of employment.

### ❖ **Work with third parties**

Nestlé works with all retailers, distributors and agents that deal with its infant nutrition products to ensure that they are fully informed about the WHO Code. Third parties are made aware of their obligations to comply with the provisions of the WHO and national Codes, their staff are trained in the Codes, and their contractual agreements with Nestlé in higher-risk countries clearly specify that continued compliance with the Codes and the Nestlé Policy and Instructions are conditions of doing business with the company.

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<sup>2</sup> The *Nestlé Policy and Instructions for implementation of the WHO International Code of Marketing of Breast-milk Substitutes* are publically available at: <http://www.babymilk.nestle.com/who-code-compliance/nestle-policy/Pages/default.aspx>

<sup>3</sup> Countries are divided into two groupings which are referred to as 'higher-risk' and 'lower-risk' countries. The determination of a country as higher- or lower-risk is based on reliable, independent data relating to levels of mortality of children under 5 years of age and rate of acute malnutrition of those children in a country. The list of higher- and lower-risk countries is available at: <http://www.babymilk.nestle.com/who-code-compliance/nestle-policy/Pages/default.aspx>

<sup>4</sup> This document is also publically available at: <http://www.babymilk.nestle.com/who-code-compliance/nestle-policy/Pages/default.aspx>

Among the many thousands retailers, distributors and agents that we work with there are some who have not yet understood all of the marketing restrictions stemming from the WHO Code, or who make mistakes. When such mistakes happen and we are made aware of them, we immediately contact the third party to remind him of our Policy and we request them to take corrective action where legally permitted to do so.

#### ❖ **Nestlé WHO Code Management System**

Nestlé has implemented an extensive WHO Code Management System, built along the lines of ISO quality assurance systems. The manual, outlining Nestlé policies and procedures, gives detailed operational guidelines to all Nestlé employees in their daily conduct of business related to Infant Food to ensure compliance at all levels with both the WHO Code of Marketing of Breast-milk Substitutes and local regulations. The procedures include built-in checks to ensure that potential Code violations are avoided.

#### ❖ **Internal Ombudsman System**

Each Nestlé subsidiary in higher-risk countries has a designated internal Ombudsman to whom employees can report suspicions of WHO Code violations in a confidential manner and outside of line management. There is also a Corporate Ombudsman, who is a member of the Executive Board of the Nestlé Group, to whom all employees can report concerns over breast-milk substitutes marketing practices.

#### ❖ **External Stakeholder Response System**

Inquiries from external stakeholders are investigated thoroughly with the Nestlé subsidiary or unit concerned with the cited activity. Representatives from different units and departments are involved in making determinations and, if needed, corrections about WHO Code Compliance. This process is led by a department outside of the Nestlé Nutrition business.

#### ❖ **Internal and External Audits**

Internal audits on WHO Code compliance are carried out in about 20 countries each year by corporate auditors. Nestlé employees are informed that their actions are subject to audits and that Code violations may result in punitive measures. Audit results are communicated to top management, and where violations occur, these are reported to the Nestlé CEO.

In addition, Nestlé commissions external audits on Code compliance on an ongoing basis. Since 2004, Bureau Veritas, a major global auditing company, has been commissioned to review Nestlé infant food marketing in countries in Africa, Asia and Latin America.

#### ❖ **Reporting on WHO Code Compliance**

Internal and external summary reports on Nestlé's compliance with the WHO Code and with the Nestlé Policy and Instructions are prepared annually<sup>5</sup>.

#### ❖ **Summary of Nestlé Infant Formula Policy in higher-risk countries**

In adhering to our commitment to following the WHO Code as a minimum requirement in higher-risk countries, here is a summary of our marketing practices in these countries:

- Nestlé **does not** advertise or promote infant formula and follow-on formula for infants up to 12 months to the public.
- Nestlé **does not** market complementary foods and drinks for infants younger than 6 months.

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<sup>5</sup> An annual external report on Nestlé's WHO Code compliance is available at:

<http://www.babymilk.nestle.com/who-code-compliance/allegation-and-nestle-responses/Pages/default.aspx>

- Nestlé **does not** permit staff whose responsibilities include the marketing of infant formula to make direct contact with mothers, except in response to consumer complaints.
- Nestlé **does not** use pictures of babies on its infant and follow-on formula packs.
- Nestlé **does not** distribute free infant or follow-on formula samples to mothers.
- Nestlé **does not** allow educational material relating to the use of infant formula to be displayed publicly in healthcare facilities.
- Nestlé **does not** give financial or material incentives to health professionals for the purpose of promoting infant formula
- Nestlé **does not** donate free infant formula to health care facilities for use by healthy new born babies.
- Nestlé **does not** give incentives to its staff based on infant formula sales.



**SUMMARY OF FINDINGS**

**1. Reported Concerns by Region and Country**

A total of 130 concerns about possible contraventions of the WHO Code attributed to Nestlé are described in the IBFAN report. Among those, 57 refer to concerns in higher-risk countries, 72 to concerns in lower-risk countries and one was unspecified.

The WHO Code was adopted as a recommendation to governments to implement as appropriate to their social and legislative framework. This means that national governments have the prerogative to implement the WHO Code as they see most appropriate to their own circumstances.

In lower-risk countries, Nestlé fulfills its obligations in implementing the WHO Code and monitoring its own practices by following national regulation and legislation. This is the only way to respect each country’s prerogative to take action to “give effect to the principles and aim of the Code in ways that are appropriate to their social and legislative framework and their overall development objectives” (WHO Code, art. 11.1).

In countries of the developing world where there is poor sanitation, higher infant mortality and greater public health concerns, Nestlé recognizes that there is a heightened need to protect infants and young children. For this reason, we have been voluntarily and unilaterally applying the WHO Code since 1982, whether or not national regulations exist. Where such ‘higher-risk’ countries have adopted local codes or other national measures giving effect to the WHO Code, the strictest rule applies.

This differs from IBFAN’s interpretation of the WHO Code. In IBFAN’s view, the Code should be applied in the same way in all countries, even when this is contrary to the decisions taken by governments of lower-risk countries. Thus, more than half of the concerns contained in this report (72 out of 130) relate to activities permitted by national regulation of lower-risk countries.

**Table: Reported Concerns by region**

<b>Region</b>	<b>Number of incidents</b>	<b>Number of incidents requiring remediation</b>
Africa	14	1
Asia	34	1
Europe	59	0
Latin America	3	0
Middle East	4	1
North America	10	0
Oceania	5	1
Unknown	1	0
<b>Total</b>	<b>130</b>	<b>4</b>

## 2. Reported Concerns by type and product category

The WHO Code applies to the marketing and distribution of breast-milk substitutes. As clarified in Annex 3 of the Code, this does not include complementary foods<sup>6</sup> unless these are specifically marketed as breast-milk substitutes.

Nestlé does not market infant cereals, baby foods and growing-up milks as breast-milk substitutes. Following the adoption of World Health Assembly (WHA) Resolution 58.32 recommending exclusive breastfeeding for six months as a global public health recommendation, Nestlé markets complementary foods, including infant cereals and baby foods, as of 6 months of age in higher risk-countries unless otherwise mandatorily required by national legislation.

Many concerns (46 out 130) contained in the IBFAN report relate to complementary food and growing-up milk products which are not under the scope of the WHO Code. As such, advertisement, promotion and sampling of these products are not forbidden by the WHO Code.

Furthermore, informational and educational materials about infant and follow-on formula products and brands and for the exclusive use of healthcare professionals are in line with the WHO Code. These materials contain scientific and factual information about our products and aim at differentiating these from competitors' products.

**Table: Reported Concerns by type and by product category**

	Infant formula	Follow-on formula	Complementary foods	Growing-up milk	Other	Not product related	Total
<b>Promotion to the public</b>	11	12	12	1	0	8	44
<b>Promotion at point-of-sale</b>	6	2	5	0	0	0	13
<b>Promotion in healthcare facilities / to healthcare professionals</b>	16	5	11	0	0	3	35
<b>Incentives to healthcare professionals</b>	2	0	1	0	0	5	8
<b>Labelling</b>	1	2	10	0	2	0	15
<b>Free supplies / samples</b>	3	0	4	1	0	0	8
<b>Other</b>	0	0	0	1	0	6	7
<b>Total</b>	39	21	43	3	2	22	<b>130</b>

<sup>6</sup> See WHO Code, Annex 3, p. 33: "During the first four to six months of life, breast milk alone is usually adequate to sustain the normal infant's nutritional requirements. Breast milk may be replaced (substituted for) during this period by *bona fide* breast-milk substitutes, including infant formula. Any other food, such as cow's milk, fruit juices, cereals, vegetables, or any other fluid, solid or semi-solid food intended for infants and given after this initial period, can no longer be considered as a replacement for breast milk or breast-milk substitutes".

## **I. Promotion to the public** (including product advertisement on television, radio, magazines, etc.)

There were a total of 44 reported concerns relating to promotion to the public. Of these, one required remedial action:

- **South Africa** (See: 4. Detailed results of our investigations – Ref. # 10)

One reported concern related to a generic communication placed in a South African magazine, which aimed at educating consumers about the importance of essential fatty acids, such as DHA and ARA, in a child's diet. Although no specific Nestlé product or brand was mentioned in the advertisement, DHA and ARA are present in several types of products, including infant formula. While a reference to the superiority of breastfeeding was made, we recognise that the advice to consumers to check the mention of those generic active ingredients on labels of Nestlé products may be misperceived. Thus, that kind of language shall be removed from similar communications about DHA and ARA.

### **Background information**

The WHO Code prohibits advertisement or other forms of promotion to the general public of breast-milk substitutes (art. 5.1).

Nestlé Policy and Instructions forbid, in higher-risk countries, the advertisement and promotion of infant and follow-on formulas for infants below 12 months to mothers or the general public either through public media or by personal contact between company representatives and the public.

However, general information on infant feeding, including on the proper use of infant formula, may be provided by manufacturers to healthcare professionals for distribution to mothers (subject to the provisions of art. 4.2 of WHO Code). Such information may not feature infant formula brands nor should it idealise the use of breast-milk substitutes. Such material may however bear the company's name or logo.

It must be underlined that, according to the WHO Code, complementary foods, e.g. infant cereals and baby foods, can be advertised and promoted to the public as long as they are not marketed or represented as breast-milk substitutes.

Some countries have enacted regulations that include complementary foods in the list of products that may not be advertised or promoted. In these cases, Nestlé respects the national legislation and does not promote these products.

## **II. Promotion at point-of-sale** (including price discounts and special displays at retail level)

There were 13 reported concerns related to promotion at point-of-sale. None of these were validated as violations of the WHO Code by Nestlé because these were either practices allowed by the WHO Code (e.g. promotion of complementary foods, such as infant cereals), took place in lower-risk countries where Nestlé follows national legislations and other measures implementing the WHO Code, or were initiated by third parties (such as retailers or distributors).

Three of these incidents concerned promotions of Nestlé infant formula products carried out by a third party (retailer or distributor). One incident in Croatia and one in Italy concerned price discounts on starter infant formula. One incident in Kenya related to infant formula placed on shelves with Cerelac stickers. In the cases of Croatia and Italy, we were able to find out and contact the third party and request that the promotion cease. In the case of Kenya, we would need more information from

IFBAN about the supermarket where this error took place in order to follow up the mistake with the retailer.

### **Background information**

Point-of-sale advertising and promotion (incl. special displays, discount coupons, special sales, tie-in sales) of breast-milk substitutes are not allowed by the WHO Code.

As such, it is against Nestlé Policy and Instructions to promote infant and follow-on formulas for infants below 12 months of age at the point-of-sale in higher-risk countries. Nestlé works with retailers and distributors to ensure that they fully understand the requirements of the WHO Code and we intervene directly with them when we are made aware of an act of non-compliance initiated by them.

Complementary foods can be promoted to the public as these are not breast-milk substitutes. As such, they are not within the scope of the WHO Code.

### **III. Promotion in healthcare facilities / to healthcare professionals (including informational and educational materials for healthcare professionals and for mothers)**

There were 35 reported concerns referring to promotion in healthcare facilities or to healthcare professionals. While most of them referred to cases clearly permitted by the WHO Code (higher-risk countries) or by national measures implementing the WHO Code (lower-risk countries), there are two instances where we have taken remedial action.

- **United Arab Emirates** (See: 4. Detailed results of our investigations – Ref. # 50 )

Product literature for the exclusive use of healthcare professionals referred to the term “the new Gold Standard in infant nutrition”. To avoid confusion we have discontinued the medical leaflets in question. Such language will no longer be used.

- **Papua New Guinea** (See: 4. Detailed results of our investigations – Ref. # 55)

In March 2009, Papua New Guinea Department of Health (DoH) issued a circular on *Guidelines for the Protection, Promotion and Support of Breastfeeding*. In January 2010, Nestlé representatives in Papua New Guinea received a letter raising concerns about a meeting between a Nestlé representative and healthcare professionals. Nestlé was not aware of the circular since its distribution was restricted to the healthcare system. Following receipt of the letter, the matter was immediately investigated and a meeting with the DoH was sought to clarify any outstanding issue. All Nestlé activities in Papua New Guinea are now aligned with the DoH Guidelines.

### **Background information**

According to the WHO Code, no facility of a healthcare system should be used for the purpose of promoting infant formula or other products within the scope of the Code (art. 6.2). As such, Nestlé does not advertise or promote products within the scope of the Code in healthcare facilities. This means, for example, that we do not provide healthcare facilities with placards and posters, samples, or promotional items concerning such products.

However, recognising that there is a legitimate market for infant formula when mothers do not breastfeed, or only do so partially; the Code also aims at ensuring the proper use of breast-milk substitutes on the basis of adequate information. As such, the dissemination of information to healthcare professionals is specifically allowed by the Code (art. 6.2).

Accordingly, manufacturers are allowed to distribute scientific and factual information regarding products within the scope of the Code to healthcare professionals. The objective of our informational materials to healthcare professionals is to present the specificities of Nestlé's range of infant nutrition products, so that in fulfilling their responsibility to guide parents on how to address their babies' specific nutritional needs, they are informed of options available for babies that cannot be breastfed. These materials only contain factual and scientific information backed by the results of independent clinical trials and scientific studies. In addition, they all contain the important notice on the superiority and importance of breastfeeding. This is in line with article 7.2 of the WHO Code.

#### **IV. Incentives to healthcare professionals** (including financial and material incentives and sponsorship of conferences and workshops)

In total, 8 of the reported concerns related to incentives to healthcare professionals. None of these were validated as violations of the WHO Code by Nestlé as they related to practices allowed by the WHO Code in higher-risk countries or by national measures implementing the WHO Code in lower-risk countries.

The majority of concerns under this category refer to scientific activities (symposiums, conferences, workshops, etc.) sponsored by Nestlé or funded and organised by the Nestlé Nutrition Institute (NNI). The NNI is a non-profit organisation which contributes to the continuing nutrition education of health professionals via a wide range of scientific publications, workshops and symposiums, practical education materials and scholarships. NNI activities are strictly of scientific nature and do not discuss nor display any Nestlé products.

#### **Background information**

No financial or material inducements to promote products within the scope of the Code should be given to health workers.

However, the WHO Code allows donation of equipment and materials to a healthcare system (art. 6.8). This refers to materials and equipment intended for professional use by health workers and institutions. These may not refer to any proprietary product within the scope of the WHO Code but may bear the corporate name or logo.

In line with articles 4.3 and 6.8 of the WHO Code, low-cost items of professional utility or token gifts given to health workers on an occasional basis if and as culturally appropriate are allowed as long as they are not used as sales inducement.

The Code also allows manufacturers to sponsor scientific activities, such as congresses, workshops, scholarships, etc. (art. 7.5).

#### **V. Labelling** (including logos and text on labels)

There were 16 reported concerns related to the labelling of Nestlé products and only one related to infant formula. None of these were found to violations of the WHO Code.

- **Laos** (See: 4. Detailed results of our investigations – Ref. # 24)

One area of concern with regards to labelling was identified. This did not relate to an infant nutrition product, but to a sweetened milk product not suited for infant feeding. The logo of a sweetened beverage creamer sold under the brand name Bear Brand was modified after concerns were raised

that the logo – an adult bear holding a cub in its lap – could be misperceived by parents to mean that the product is an appropriate substitute for breast milk. Concerns were raised with Nestlé in 2008 and corrective action had already been taken prior to the publication of the IBFAN report.

### **Background information**

The WHO Code states that labels should be designed to provide the necessary information about the appropriate use of the product, and so as not to discourage breastfeeding (art. 9.1).

The WHO recommends exclusive breastfeeding for the first 6 months and Nestlé supports this global public health recommendation. As such, we do not market any complementary foods or drinks, including infant cereals and baby foods, for use before 6 months of age unless mandatorily required to do so by national regulations.

## **VI. Free supplies / samples**

There were 8 reported concerns relating to free supplies to hospitals or free samples to mothers and the general public. 3 of them related to infant formula, while the rest related to complementary food or growing-up milk products.

All the concerns related to free supplies or free samples of infant formula were found to be unfounded. Complementary foods (including infant cereals) and growing-up milks **not** marketed as breast-milk substitutes do not fall under the scope of the WHO Code. Therefore, free supplies of these products may be donated to hospitals or free samples to the general public following strict instructions not to give them to mothers of infants below 6 months of age.

### **Background information**

No free samples of products within the scope of the Code should be provided to the general public (art. 5.2). These may be provided to healthcare workers only when necessary for the purpose of professional evaluation or research (art. 7.4). In addition, donations or low-price sales of such supplies to institutions or organisations are restricted to infants who have to be fed on breast-milk substitutes (art.6.6).

As such, Nestlé does not make donations of breast-milk substitutes to healthcare facilities nor gives free samples to the public. Samples may be provided to health workers only in very specific circumstances and following strict guidelines for the purpose of professional evaluation and for approved clinical trials and research with records kept of each request. Sometimes in specific cases where there is no availability of breast milk and where allowed by national regulations, we can agree to a controlled donation of infant formula to a social welfare institution (e.g. an orphanage). This is subject to a specific written request from the institution.

It should be recognised that healthcare facilities do purchase infant formula through normal procurement channels for infants who have to be fed breast-milk substitutes.

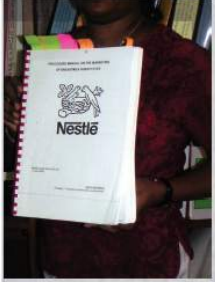
## **VII. Others**

Seven reported concerns could not be classified in any of the above-categories and have been regrouped under “Others”. None of these have been found to be contraventions of the WHO Code.

They related to Nestlé posters encouraging breastfeeding, to Nestlé corporate sponsorship of a pregnancy calendar and of a general national health survey carried out by the government, to the


choice of some words in a procedure manual that is strictly internal, and to alleged lobbying activities that Nestlé never conducted.


**DETAILED RESULTS OF OUR INVESTIGATIONS**


<b>HIGHER-RISK COUNTRIES</b>					
<b>Ref. #</b>	<b>Country</b>	<b>Reported Concern</b>	<b>Response</b>	<b>Type</b>	<b>Product category</b>
<b>AFRICA</b>					
<b>1</b>  IBFAN report p. 9	<b>Botswana</b>	<p>The Marketing of Foods for Infants and Young Children Regulations was adopted in 2006. In 2009, it came to light that Nestlé South Africa, which is responsible for Nestlé operations in Botswana, had immediately drawn up a Standard Operating Procedure manual (SOP) to guide its staff and distributors on how to comply with the law in Botswana. The document entitled <i>“Procedure Manual on the Marketing of Breast milk Substitutes”</i> dated 17 June 2006 is 271 pages long and covers 20 different topics. They include areas such as donations to health workers, low cost supplies and exhibitions and displays at medical and scientific meetings, to name but a few. The SOP is still in effect in 2010.</p>  <p><small>In for a hard time - Nestlé staff will find the SOP says one thing and the law says another. (IBFAN staff shows a photocopy of the 271 page procedure manual). The original was found in a library in Botswana.</small></p>	<p>The Marketing of Foods for Infants and Young Children Regulations came into effect on 28 February 2006. Following this, Nestlé asked for a meeting with the Ministry of Health to discuss the implementation of this legislation. Since then, Nestlé has been continuously engaging with the Ministry of Health on this topic.</p> <p>On 13 November 2006, a meeting took place between Nestlé and Ministry of Health representatives with the objective of clarifying specific articles of the legislation. During this meeting, a <i>draft</i> ‘Procedure Manual’ was provided to the Ministry of Health for feedback and advice.</p> <p>This <i>draft</i> document has never been used in Botswana. The Ministry of Health did not revert to Nestlé with feedback until 19 November 2010 during a meeting in which this document was discussed again.</p> <p>Between 2006 and 2010 several meetings took place between Nestlé and the Ministry of Health to further clarify outstanding issues with regards to implementation of the legislation.</p> <p>It is surprising to read from IBFAN that this draft document was found in a public library. Our</p>	Others	N/A





		<p>On the face of it Nestlé seems to be keeping its word to comply with national laws. The effort it makes to train its staff on Code compliance seems commendable enough. However, it became quickly obvious from a close scrutiny of the SOP why there are still violations by Nestlé in Botswana. Simply put, Nestlé staff and agents in Botswana are being assisted to breach the law through deliberate misinterpretation and non-disclosure of salient features of the law.</p> <p>By doing so, Nestlé abets its people to break the law, on its own a serious offence. Here's how.</p> <ul style="list-style-type: none"> <li>• Wrong status - Every section of the SOP steadfastly refers to the Botswana Regulations as the "<i>Bot Code</i>". This is significant because compliance with a law like the Botswana Regulations is mandatory while a "Code" is voluntary by nature and unenforceable by law. How Nestlé plans to train its staff to comply with the "<i>Bot Code</i>" without getting its legal status right defies comprehension.</li> <li>• Wrong document - Although many parts of the SOP state that compliance with the "<i>Bot Code</i>" is necessary, no effort is made to explain the relevant provisions in the Botswana Law. Instead, the SOP bases its instructions on the South African Code and a narrow interpretation of the International Code of Marketing of Breast milk Substitutes. The Botswana Regulations are stronger than either Code in many respects but this important fact is never brought to light.</li> <li>• Wrong scope – The SOP focuses only on infant formula, ignoring the definition of "<i>designated products</i>" in the Botswana Law</li> </ul>	<p>Procedure Manual is an internal Nestlé document aiming at giving precise working instructions to Nestlé staff on how they should carry out their work in compliance with the WHO Code and national legislation (or other measures) implementing the WHO Code. Terms like "the Botswana Code" (or the Nigerian Code, or the Indian Code, etc.) reflect our internal terminology to designate national legislation implementing the WHO Code, to avoid repeating throughout the document the full title of laws and regulations that can often be fairly long. The applicable laws or regulations are always clearly designated under their full denominations at the beginning of the Policy Manual, which always precedes the Procedure Manual.</p> <p>As our local managers were eager to seek guidance from the Ministry of Health on what is appropriate or not in the context of the newly enacted legislation, the document was shared on a confidential basis with Ministry of Health's officials as a draft document for their feedback.</p> <p>The Procedure Manual is a component of an extensive WHO Code Management System that Nestlé has put in place in higher-risk countries to ensure that our business conduct and organisation are Code-compliant. Nestlé's WHO Code Management System has been praised by reputed CSR rating agency GES Investment Services which, after a survey of Code implementation by the major international manufacturers of infant foods, concluded that "Nestlé has the most elaborated policies and mechanisms to address the Code, distinctly ahead of its peers".</p>		
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		which covers also special formulas, follow up formulas, complementary foods and the catchall clause, “any product marketed or otherwise represented as suitable for feeding infants and young children.”			
2 IBFAN report p. 25	Botswana	<p>In Botswana, a glossy folder entitled “<i>the first ever nutrient system reducing the risk of developing allergies</i>” is distributed to health professionals without the approval of the National Food Control Board, as is required by national law. The folder contains loose leaf practical recommendations for preventing allergies in newborns which health workers may find helpful but the folder itself is promotional. The inside cover contains large pack shots of Nan HA 1 and Nan HA 2 and promotional statements in big font about Protect Start and Protect Plus. Product pack shots are reproduced on the back cover next to a statement - “50% less allergy manifestations during the first year of life.” It is not clear what the product is compared with. The fact that breastfeeding is the best allergy prevention is lost in small print.</p> 	<p>The Marketing of Foods for Infants and Young Children Regulations came into effect on 28 February 2006.</p> <p>On 13 November 2006, a meeting between Nestlé and Ministry of Health representatives clarified that all information intended for healthcare professionals about designated products was to be approved by the Ministry of Health.</p> <p>Following this meeting, Nestlé stopped distributing any material to healthcare professionals.</p> <p>The folder in question, intended for healthcare professionals only, was developed prior to the 13 November meeting between Nestlé and the Ministry of Health, and has not been used since then.</p>	Promotion in healthcare facilities / to healthcare professionals	Infant formula
3 IBFAN	Botswana	In Botswana, a flyer which starts with Blue Bear saying: “Well, Nestlé has heard your call for help and created the Nestlé Developmental	This flyer dating from 2005 was intended to provide mothers with indications on the evolution of their baby after 6 months of age and weaning foods that	Promotion in healthcare facilities / to	Complementary foods

<p>report p. 34</p>		<p><i>Nutrition Plan</i>” and Nestlé’s 4 stages of infant nutrition are explained; there are pack shots of the products for every stage: 6 months, 7 months, 9 months and Junior. And of course a free customer care line to ask more about Nestlé baby food.</p>  <p><i>According to the Botswana law, no one is allowed to promote foods for infants and young children and no manufacturer shall distribute any information or educational materials relating to the nutrition of infants or young children unless it is for health professionals and restricted to scientific and factual matters.</i></p>	<p>are suitable for the various development stages of the baby. Informing mothers of complementary foods suitable to babies older than 6 months is allowed by the WHO Code.</p> <p>After Botswana’s adoption of the Marketing of Foods for Infants and Young Children Regulations in 2006, Nestlé no longer used that material in Botswana.</p> <p>Our medical delegates are instructed to specifically check and remove outdated medical detailing materials from healthcare facilities whenever they are allowed to do so.</p>	<p>healthcare professionals</p>	
<p><b>4</b>  IBFAN report p. 41</p>	<p><b>Botswana</b></p>	<p>Nestlé’s Instructions are expandable For years, Nestlé prided itself for not promoting products which have the same brand/label design as their infant formula. For example, in their “<i>Nestlé Instructions for Implementing the WHO International Code of Marketing of Breast milk Substitutes</i>” (page 5, July 2004 version), it is stated clearly that Nan 2 and Nan 3 are covered by Nestlé Instructions as they have the same brand name as the infant formula Nan 1. Unlike its competitors, Nestlé’s growing up milks for children one and above are known by different brand names like</p>	<p>The leaflet in question is informational material for the exclusive use of healthcare professionals. This was never made available to the general public.</p> <p>This material was developed before 2005 and has not been used since the Marketing of Foods for Infants and Young Children Regulations were adopted by Botswana authorities in 2006.</p> <p>The new legislation requires that materials for healthcare professionals are submitted to the Ministry of Health for approval. We follow the legislation.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>

		<p>Neslac and Nido. When it became clear that growing up milks are set to become the best performing category within the overall global baby food market, accounting for more than 26% of the total milk formula value sales in 2008 (up from 17% in 2001) Nestlé quickly changed its mind about not using the Nan infant formula brand name to promote its growing up milk. Nan 3 is being introduced as “<i>Following the Natural Order</i>” and a natural progression from Nan 1 and Nan 2 in Botswana.</p> 			
<p><b>5</b>  IBFAN report p. 25</p>	<p><b>Egypt</b></p>	<p>In Egypt, the WHO growth charts for boys and girls became a vehicle for promotion for Nestlé Nan 1 with Protect Start and Nestlé Nan 2 with Protect Plus. The growth charts are enclosed within a brochure entitled “<i>Nestlé Nan - Enhancing immune system and helps preventing intestinal infections in the crucial first year of life</i>”. Intended as information for the medical profession, the brochure uses promotional text, colourful charts and the Protect logo to explain how Nan contains “<i>a unique nutrient combination with Bifidus BL supplementation</i>” to offer “<i>nutrition and protection across the first year of life</i>”. (see 3)</p>	<p>The brochure in question is medical detailing material intended only for healthcare professionals.</p> <p>The brochure clearly states on top of page 2 “Breastfeeding – the best choice for infants” and also contains the information set out in the WHO Code Article 4.2.</p> <p>All comparisons made in the brochure are made between formula supplemented with Bifidus BL and formula without BL. All information is backed by scientific studies and clinical trials, which are clearly referenced.</p> <p>The second brochure is also only intended for healthcare professionals. All information provided in it</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>

		 <p>Another brochure goes as far as to declare that Nestlé Nan with Protect Start and Protect Plus is for “strengthening the immune system and reducing the incidence of diarrhea in the crucial first year of life.”</p>	<p>is of scientific nature and is backed by the results of scientific studies and clinical trials. It also contains the WHO Important Notice about the superiority of breastfeeding<sup>1</sup>. The WHO Code allows companies to provide such information to healthcare professionals.</p>		
6 IBFAN report p. 40	Egypt	<p>In Egypt, NIDO, a Nestlé milk for children 12 to 36 months old, is endorsed by the Egyptian Pediatric Association who agreed to have their logo printed on the NIDO label. WHO recommends that breastfeeding continue up to 24 months or beyond; thus NIDO is a breast milk substitute, even though the child shown on the label is a toddler.</p> <p>The endorsement may influence mothers of younger babies. Pediatricians owe it to their conscience to promote and protect breastfeeding and not endorse any product by association. Like lunches, logos do not come free.</p>	<p>NIDO is a growing-up milk recommended for use for children from 12 months of age. As such, NIDO milk is not covered by the WHO Code, thus, this cannot be considered a violation of the Code.</p> <p>The product label clearly states in Arabic that the product is only recommended for use after the age of one year and carries the statement “not suitable for infant feeding”.</p> 	Others	Growing-up milk
7 IBFAN report	Egypt [Same as 38: Uzbekistan]	<p>Colourful height measuring tapes found in paediatric offices respectively in Uzbekistan and Egypt. Both promote Nestlé cereals.</p>	<p>These height measuring tapes feature the Blue Bear and pictures of complementary food products, such as infant cereals. Complementary foods do not fall under the scope of the WHO Code.</p>	Promotion in healthcare facilities / to healthcare	Complementary food

<sup>1</sup> Please refer to Annex A, *Infant Formula Policy in higher-risk countries*, to read the WHO Important Notice about the superiority of breastfeeding.

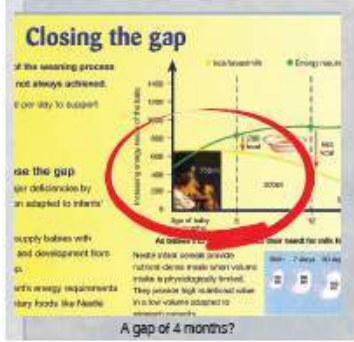
p. 36			This is in line with the WHO Code and local legislation.	professionals	
8  IBFAN report p. 33	Kenya	<p>In a Kenya supermarket, these Cerelac shelf stickers line at least 5 long shelves, most of them stacked with Nan formulas and other products. Do all of them “provide care and affection”? Does Cerelac?</p> 	<p>These shelf-stickers refer to Cerelac, a complementary food recommended for babies from 6 months of age. Shelf-stickers for complementary foods are in line with the WHO Code and Kenyan legislation.</p> <p>The presence of infant formula products on shelves with Cerelac stickers is in all likelihood an error made by the retailer. In order to follow this mistake up with the retailer, we would need information about where and when this error was found. This would help us locate the outlet, as the error may have happened some time in the past and can thus no longer be spotted.</p>	Promotion at point-of-sale	Complementary food
9  IBFAN report p. 39	Madagascar	<p>Companies extend various types of funding to associations in all parts of the world, and here are some examples: the 20<sup>th</sup> anniversary of the Madagascar Pediatrics Association with the Minister in attendance over a two day affair was funded by Nestlé and a few other companies.</p> 	<p>The 20<sup>th</sup> anniversary of SOMAPED (Madagascar Paediatric Association), held on 12-13 November 2007, consisted of a two-day scientific meeting. Nestlé, among other companies, sponsored the event upon the Paediatric Association’s request. The event was attended by the Minister of Health.</p> <p>Neither the WHO Code nor Madagascar’s Code prohibits infant food manufacturers from supporting healthcare association meetings.</p>	Promotion in healthcare facilities / to healthcare professionals	N/A

<p><b>10</b></p> <p>IBFAN report p. 7</p>	<p><b>South Africa</b></p> 	<p>“Start healthy, stay healthy”</p> <p>To further expand in Africa, Nestlé is stepping up marketing campaigns focussed on African feeding habits and African media. It does so in clever ways. For instance, the ad on the right, in the South African magazine Living &amp; Loving of June 2010 is insidious for what it does not say. The slogan “Start Healthy, Stay Healthy” refers to Nestlé’s range of formula products though no brand is mentioned (see write up in Nestlé Profile).</p> <p>The accompanying text idealises the DHA and ARA content in Nestlé formula products. Even though DHA and ARA are ingredients without proven benefits, Nestlé says they are essential to strengthen the immune system and are the building blocks for the development of vital organs such as “your baby’s brains and eyes.” The magazine is widely distributed in Southern Africa and is an obvious push to get middle class African parents to buy into Nestlé premium priced formula - Nan - one of the company’s billionaire brands. As information on infant feeding, the ad violates both the International Code and the South African Code.</p>	<p>This generic communication, placed in <i>Living &amp; Loving</i> in June 2010, aimed at educating consumers about the importance of essential fatty acids in a child’s diet. This communication is not being used anymore.</p> <p>Generic active ingredients DHA and ARA are used in a whole range of Nestlé infant nutrition products, including complementary foods, as well as in competitors’ products. DHA and ARA are also present in the breast milk of well-nourished mothers.</p> <p>This piece of communication does not mention infant formula nor any product brand. Moreover, it does contain a reference to breastfeeding. It can therefore not be considered as an infant formula promotion tool.</p> <p>As the advice to consumers to check the mention of those generic active ingredients on labels of Nestlé products may be misperceived, we shall remove that kind of language from similar communications about DHA and ARA.</p>	<p>Promotion to the public</p>	<p>N/A</p>
<p><b>11</b></p> <p>IBFAN report p. 8</p>	<p><b>South Africa</b></p>	<p>Operation Cleanup</p> <p>In early 2010, Nestlé put out a concept paper outlining an “<i>Operation Cleanup</i>” in South African hospitals. Under this programme, purportedly aimed at preventing malnutrition due to improper feeding practices, training will be offered to primary healthcare staff in disadvantaged communities on proper formula mixing and hygiene methods. Sounds like a lofty idea but nowhere in the plan is there mention about training staff about the risk of formula feeding nor the</p>	<p>The idea of this project was initiated as a result of discussions between Nestlé South Africa and several provincial Departments of Health, who had expressed verbal and written requests for assistance towards training healthcare professionals on hygiene around infant formula feeding.</p> <p>The consultation process was handled in a fully transparent manner, as an open dialogue with the provincial health authorities, and the national Department of Health had been informed.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>N/A</p>



		<p>importance of breastfeeding. Powdered formula is not sterile and may contain harmful bacteria such as <i>Enterobacter sakazakii</i> and salmonella.</p> <p>The other disturbing feature of “<i>Operation Cleanup</i>” is that there are plans to give away Appreciation Awards with prizes ranging from 1500 to 5000 Rand for clinics that score well in follow-up assessments. The site that scores the highest marks will even get a corner make-over from Nestlé!</p> <p>Needless to say, there were alarm bells all round when this plan came to light, including at the Ministry of Health level. IBFAN wrote to Nestlé to complain (see the company’s response in the right column). A project which pushes health workers towards “<i>excellence</i>” in proper mixing and hygiene methods and tied to an incentive package will surely sideline breastfeeding in the so-called “<i>disadvantaged communities</i>”.</p> <p>At the time of writing, Nestlé has yet to go ahead with its campaign but has not publicly stated that it will scrap “<i>Operation cleanup</i>”.</p>	<p>The project and the process were fully compliant with the WHO Code and national guidelines. The concept paper referred to was a first draft for discussion. However, the project was not implemented.</p> <p>The achievement award for the clinics was not intended to incentivise infant formula promotion. Rather it was intended to incentivise a collectivity to develop competence in the appropriate and hygienic preparation and storage of the product, which is crucial to the health and safety of formula fed infants. This is in line with the second aim of the WHO Code “ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate information”.</p> <p>This is not a violation of the WHO Code.</p>		
<p><b>12</b></p> <p>IBFAN report p. 8</p>	<p><b>South Africa</b></p>	<p>Could it be? – Question to Nestlé</p> <div data-bbox="539 1043 1048 1222" data-label="Image"> </div> <p>During the World Cup frenzy in July 2010, a short 34 second TV ad for Telkom, a telecommunications company, features Nan products placed discreetly in the background of a scene wherein a crowd was watching a</p>	<p>Nestlé South Africa has never approached nor was ever approached by Telkom, one of the main telecommunication companies of South Africa, to feature infant formula products on this TV advertisement. The content of this advertisement was at the producers’ discretion only. It is impossible to ascertain where that scene was shot, but the appearance of infant formula in the background was in all likelihood purely unintentional as we see no reason why Telkom would have chosen to show infant formula.</p> <p>It is against Nestlé Policy and Instructions and against</p>	<p>Promotion to the public</p>	<p>Infant formula</p>





		football match. BTR could not establish if the products are there by coincidence or if it is a cleverly planned product placement to make advertising less obvious but just as effective. Over to Nestlé for a response.	South Africa legislation to advertise infant formula products to the public.		
<b>13</b>  IBFAN report p. 26	<b>South Africa</b>	<p>In South Africa, the launch of new labelling featuring Protect Start and Protect Plus logo on Nestlé Nan was announced through promotional shelf talkers in shops. Nestlé's competitors in the Infant Feeding Association tried unsuccessfully to stop Nestlé advertising in supermarkets. (see 9)</p> 	<p>This concern was raised in March 2008 by Baby Milk Action and has already been responded to.</p> <p>The shelf-talkers were a temporary measure to inform consumers of a change in labeling and composition of NAN products, so that parents who were already feeding their children NAN would know that they could continue with the new formulation. They were thus aimed at providing adequate information to consumers so to avoid confusion caused by the change in formulation and labeling.</p> <p>The Advertising Standards Authority of South Africa (ASA) dismissed the complaint from the Infant Feeding Association of South Africa, stating that the material “simply shows pictures of the ‘OLD’ and ‘NEW’ packaging in a factual and informative manner. It is not likely to induce sales to consumers, but is intended to inform existing customers that the product is now available in new packaging” (Please refer to Attachment 2- Ruling of the ASA Directorate). In addition the material featured the message “Before making your feeding decision, please contact your healthcare professional”.</p>	Promotion at point-of-sale	Infant formula
<b>14</b>  IBFAN report p. 34	<b>Zambia</b>	In Zambia a brochure on the Developmental Nutrition Plan was found starting with: “Next time tell Mom to feed me Nestlé Infant Cereal”. Although it mentions WHO’s recommendation of exclusive breastfeeding for 6 months, it also shows a gap well before the 6th month where it suggests breast milk no longer provides	<p>Zambia regulations allowed for promotion of complementary foods, including infant cereals, until a new legislation prohibited such promotion in 2006.</p> <p>The brochure with the title ‘Next time tell Mom to feed me Nestlé Infant Cereal’ is a very old material that was discontinued before 2006. It is possible that</p>	Promotion in healthcare facilities / to healthcare professionals	Complementary food

		<p>enough calories and complementary foods like the company's infant cereals can fill 25% of the nutritional requirements. They are called "<i>ideal solid foods</i>" and pack shots of Nestum and Cerelac illustrate the stage 1 weaning cereals.</p>  <p><i>The law in Zambia prohibits complementary foods from being promoted. Information and education materials must comply with specific requirements including the importance of breastfeeding and the fact that complementary foods can easily be prepared using available local ingredients.</i></p>	<p>one of the healthcare professionals in Zambia still had one of these materials in their practice. Our medical delegates have been instructed to specifically check and remove outdated medical detailing materials from healthcare facilities whenever they are allowed to do so.</p> <p>The reference to 'Closing the Gap' is made in another material for healthcare professionals only. This material dates from 2004 and is no longer in use. It must be underlined that Zambia legislation allows for sharing of scientific and factual information with healthcare professionals.</p>		
<b>ASIA</b>					
<p><b>15</b> IBFAN report p. 39</p>	<p><b>Bangladesh</b></p>	<p>Most recently we obtained a notice from Bangladesh, showing how despite protest, Nestlé succeeded in holding a high-level regional symposium at a 5-star hotel on "<i>Breastfeeding, the Gold Standard</i>". The country's president and one Minister refused to attend realizing the conflict of interest. After all, Nan is promoted as the new Gold Standard.</p>	<p>This scientific meeting, organized by the Nestlé Nutrition Institute, took place on August 5, 2010 during the World Breastfeeding Week. Healthcare professionals from Bangladesh, India, and Maldives attended it.</p> <p>The theme of the meeting revolved around the benefits of breastfeeding, and its intent was to share science-based information about breast-milk to help healthcare professionals encourage mothers to breastfeed. The Minister of Health, officials of the</p>	<p>Incentives to healthcare professionals</p>	<p>N/A</p>

			<p>Ministry of Health, and health advisors to the Minister of Health attended the event. The Minister of Health made a speech during the event and encouraged the Nestlé Nutrition Institute to spread this type of activity across the country.</p> <p>The President was not formally invited, as his agenda could not accommodate his attendance to the scientific meeting.</p>		
<p><b>16</b></p> <p>IBFAN report p. 36</p>	<p><b>Central Asia</b></p>	<p>In Central Asia, Nestlé rides roughshod over its own Instructions in these countries. In principle, Nestlé's 6 month rule should apply here but the examples in the shops show many complementary foods and drinks labelled for 4 and 5 months.</p>	<p>Armenian and Uzbek food norms are aligned on Russia's Sanitary Rules and Regulations (SANPIN, the food Codex of Russia). Those norms mandatorily require labelling of complementary foods between 3 and 6 months (depending on the kind of products).</p> <p>Like the National Institute of Nutrition of Russia and the Russian Pediatrician Association, paediatricians in Armenia recommend introduction of weaning foods between 3 and 6 months.</p> <p>Nestlé's intention to position first-age complementary foods for introduction at 6 months has met with serious impediments in countries that follow Russian norms like Armenia and Uzbekistan (which is often the case with former Soviet Union countries).</p> <p>We are nevertheless pursuing efforts to support WHO's recommendation on exclusive breastfeeding for 6 months on labels of our complementary foods and in related communication materials, while respecting the opinion of health authorities and medical associations in countries like Armenia and Uzbekistan.</p>	<p>Labelling</p>	<p>Complementary food</p>
<p><b>17</b></p> <p>IBFAN</p>	<p><b>China</b></p>	<p>In China, Stage 1 Blue Bear (for babies from 4 months) sits on the label of samples of cereal boxes, conveniently left at the entrance of a</p>	<p>Chinese food regulation (General technical requirements for infant and young child formula and complementary cereals – GB-10767-1997), effective</p>	<p>Free supplies / samples</p>	<p>Complementary food</p>

<p>report p. 35</p>		<p>community health centre. Unfortunately for her, the Nestlé sales lady was spotted by a Code monitor who photographed her as she dragged a box of samples into the health centre and put some right at the entrance with a form for mothers to write down their home addresses and contact number.</p> 	<p>until 1 April 2011, stipulates that complementary foods must be adequate to feed babies as of 4 months of age. This is mandatory information and must be present of the back panel of all infant cereals.</p> <p>All these labels will change in April 2011 as a new food regulation (GB-10769-2010) will require that all infant cereals must be recommended as of 6 months onwards. All Nestlé infant cereals will therefore be changed to be fully compliant with the new regulation.</p> <p>In China, Nestlé only provides healthcare professionals with samples of infant cereals. Healthcare professionals are instructed to only pass them on to mothers of babies older than 6 months. This is in line with the WHO Code and local legislation.</p> <p>The picture shown by IBFAN does not allow identification of the person shown nor does the venue or any circumstances that would help interpret the incident.</p>		
<p>18 IBFAN report p. 35</p>	<p>China</p> 	<p>A poster in a maternal and child health hospital announces the “2nd Race for Baby Swimming and Baby Touch” for babies under three and half months. It was organised by the hospital and funded by Nestlé. The Blue Bear mascot promotes Nestlé cereal products. The partnership also confers medical endorsement of Nestlé complementary foods for babies under 6 months.</p>	<p>This poster was developed by the hospital and relates to a baby competition organised by it and open to babies from 1 month to 3.5 months old.</p> <p>The Blue Bear was on the poster as a decoration and not to promote infant formula. Note that the Blue Bear is only featured on complementary food products and never on infant formula products, and therefore is not covered by the WHO Code.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Complementary food</p>

<p><b>19</b></p> <p>IBFAN report p. 38</p>	<p><b>India</b></p>	<p>In India, the Nestlé Nutrition Institute breaks the Indian law (section 9, which bans “any contribution or pecuniary benefit to a health worker or any association of health workers, including funding of seminar, meeting, etc. etc”) by hosting conferences in Chennai, Kolkata and other cities.</p> 	<p>The Indian legislation prohibits financial inducement to health workers or any contribution or pecuniary benefit including funding of seminar, conference etc., for the purpose of promoting the use of breast-milk substitutes, feeding bottles or infant foods. The two scientific conferences in Chennai and Kolkata were organised by the Nestlé Nutrition Institute to share scientific knowledge on the “Emerging Trends in Pediatric Nutrition”. There was no display, discussion or promotion of Nestlé infant nutrition products directly or indirectly at these conferences. No financial inducement or pecuniary benefit was given to the participants. The conferences were for dissemination of scientific information, which is not relating to any infant products, and therefore are not violations of the Indian legislation.</p>	<p>Incentives to healthcare professionals</p>	<p>N/A</p>
<p><b>20</b></p> <p>IBFAN report p. 42</p>	<p><b>India</b></p> <p>[Same as 48: Costa Rica]</p>	<p>In Costa Rica, in India (and probably many places in between) Nestlé paid for full page ads in national newspapers, ostensibly to celebrate World Breastfeeding Week (1–7 August).</p> 	<p>The materials referred to in the IBFAN report were published in newspapers and magazines in Costa Rica and India during the World Breastfeeding Week. They aim at promoting breastfeeding.</p> <p>The ‘Start Healthy, Stay Healthy’ logo refers to an educational campaign promoting healthy eating habits from the very start of life through the promotion of breastfeeding as well as by advising mothers to regularly consult their pediatrician.</p> <p>These materials do not mention any Nestlé infant formula brand or product and are in line with the WHO Code and the respective national legislations of India and of Costa Rica.</p> <p>Nestlé Costa Rica’s archives show no record of a complaint letter allegedly sent by the National Breastfeeding Committee of Costa Rica</p>	<p>Others</p>	<p>N/A</p>

<p><b>21</b></p> <p>IBFAN report p. 41</p>	<p><b>Indonesia</b></p>	<p>Promoting breastfeeding or selling products which replace it?</p> <p>In Indonesia, a nursery room at the airport in Jakarta is sponsored by Nestlé to “<i>establish a healthier Indonesian society</i>”. The room is filled with posters of healthy happy babies above the Nestlé Nutrition logo.</p> 	<p>The posters referred to in the IBFAN report are located in the nursery room at Soekarno Hatta International Airport. One poster features a baby being breastfed, while another poster features a toddler. All other posters feature older children. The poster featuring the breastfed baby states: “Exclusively breastfeed your baby until the age of 6 months”. The poster featuring the toddler states: “Strengthen the body immunity with Probiotics”.</p> <p>The Nestlé Nutrition logo is on these posters. No poster or material in the Nursery Room mentions Nestlé products or brands. This is in line with the WHO Code and Indonesian regulations.</p>	<p>Promotion to the public</p>	<p>N/A</p>
<p><b>22</b></p> <p>IBFAN report p. 36</p>	<p><b>Kyrgyzstan</b></p>	<p>Despite many promises Nestlé made around the world to change all its complementary food labels to 6 months, these Nestlé cereals in Kyrgyzstan are still labelled for 4 and 5 months. When Kyrgyzstan adopted a strong law based on the International Code, the Nestlé marketing people were the first to exert Pressure.</p> 	<p>Nestlé supports efforts by governments to implement the WHO Code through national legislation, regulation, or other suitable measures.</p> <p>The 2009 Law was adopted without any consultation of stakeholders. Nestlé was not informed of nor consulted in the preparation of that law. In any case our local managers have not taken any step to prevent the adoption of that law.</p> <p>Since 2009 the government has still not issued implementing regulations which are required to enforce that law. On the other hand Kyrgyzstan still officially follows the Russian SanPiN, which provides for introduction of weaning foods between 3 and 6 months of age.</p> <p>Facing that regulatory uncertainty, Nestlé mentioned on its infant cereal labels that WHO recommends exclusive breastfeeding for 6 months, and mothers should consult their healthcare professionals on when to introduce our infant cereals to their baby.</p>	<p>Other</p>	<p>N/A</p>

<p><b>23</b></p> <p>IBFAN report p. 36</p>	<p><b>Kyrgyzstan</b></p>	<p>Note book for health workers in Kyrgyzstan interspersed with promotion.</p> 	<p>The 'note book' referred in the IBFAN report is not a note book but an informational and educational material for healthcare professionals. The WHO Code allows manufacturers to provide information on infant feeding and on products within the scope of the Code to healthcare professionals (art. 7.2). This material contains the following:</p> <ul style="list-style-type: none"> <li>- The Nestlé Charter which summarises Nestlé's commitment to the WHO Code (see: <a href="http://www.babymilk.Nestlé.com/breastfeeding-is-best/breastfeeding-in-developing-countries/Documents/Nestlé%20Charter-2010.pdf">http://www.babymilk.Nestlé.com/breastfeeding-is-best/breastfeeding-in-developing-countries/Documents/Nestlé%20Charter-2010.pdf</a>).</li> <li>- Statements emphasizing the superiority of breastfeeding.</li> <li>- A set of parameters intended to help doctors assess the growth of babies.</li> <li>- Factual information about our infant formula products.</li> <li>- Information about complementary foods indicating that mothers should exclusively breastfeed for the first 6 months of life.</li> </ul>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>
<p><b>24</b></p> <p>IBFAN report p. 23</p>	<p><b>Laos</b></p>	<p>The Code covers more than infant formula, however much Nestlé disagrees. The scope is written widely to cover all products "marketed or represented" to be suitable for use as a partial or total replacement of breast milk, such as juices, water and teas. They may or may not be 'suitable'. Bear Brand coffee creamer is totally unsuitable for babies; it has no milk at all. However, research conducted in Laos revealed that Nestlé's Bear Brand coffee creamer is being used by parents to feed babies because of the mother and baby bear logo on the label. The survey by doctors revealed that out of</p>	<p>This question has already been raised and responded to, both publicly and through correspondence with the concerned persons.</p> <p>Bear Brand sweetened beverage creamer is a milk rich dairy product similar to sweetened condensed milk. It is commonly used in beverages, as a dessert topping or as a spread on breads.</p> <p>Nestlé stopped distributing Bear Brand sweetened beverage creamer in Laos for business reasons in 2006, and stopped a third party selling products under the brand in February 2008. The product is still sold by a third party in Thailand. Since trading takes place</p>	<p>Labelling</p>	<p>Other</p>

1,098 Laotian adults, 96% wrongly believe the Bear Brand coffee creamer contains milk, 46% believe the Bear Brand logo indicates that the product is suitable as a replacement for breast milk. Over 18% reported giving the product to their infant at a mean age of 4.7 months. The research is published in the British Medical Journal can be downloaded from <http://www.bmj.com/content/337/bmj.a1379.full?sid=5a1f9240-649b-4240-ad94-82e971b9da44>



The reasons for this go back in history. Bear Brand has been used as a brand name for several kinds of preserved milk. Before formula came onto the market, the labels had a mother bear bottle feeding a baby bear. The bottle was eliminated after protest but the mother baby image remained. For years this brand was used as a breast milk substitute in several Southeast Asian countries. Old habits die hard.


along the border, the product may still be found in some shops in Laos.


To avoid confusion of this product with breast-milk substitutes, Nestlé puts the statement “not to be used as a breast milk substitute” on all adult milk product labels, including this one. In Laos, the statement was in three languages, English, Lao and Thai and pictures of appropriate use, such as coffee creamer or dessert topping, figured on the label. In addition, a pictogram of an infant bottle with a large red X across it was added to alert illiterate consumers. The pictogram was done after discussions and in agreement with the national government health authorities and goes beyond requirements of local laws and regulations.

Following the September 2008 article published in the British Medical Journal which claimed that the logo – an adult bear holding a cub in its lap - caused parents in Laos to believe that the product was an appropriate substitute for breast milk, Nestlé altered the logo to a bear holding a glass of milk on all-family (non-infant) Bear Brand milk products worldwide. This logo was chosen because a child is able to hold a glass without help at 18 months of age, differentiating from younger children, and eliminating the possibility of confusion with an infant.



Furthermore, consumer research was carried out in Laos and Thailand by a professional marketing research firm to test whether parents misperceive the new logo as indicating that the product is appropriate for infants. It was conducted in rural areas amongst the lowest socioeconomic classes and compared 3 other logos of similar products with the Bear Brand logo.





		<p>Nestlé knew and could have changed the image of the mother bear cradling the baby bear completely to avoid confusion. Nestlé states, instead, that it <i>“has gone further than the requirements of the Code with printed warnings in different languages”</i> and taken <i>“extraordinary labelling measures”</i> to prevent misinterpretation of the Bear Brand label. Following the death of a Laotian child being fed Bear Brand coffee creamer, the company said the baby bear would be replaced by a glass! There is a glass now but also a poster with baby bear being fed.</p>	<p>The results of the research demonstrated that in Laos, contrary to Thailand, there is a widespread cultural perception that sweetened condensed milk in general can be consumed by children aged one year and below. This perception comes primarily from common cultural and historical practice passed down through families, as well as from the product’s milk content and perceived benefits and properties. The Bear Brand was not a significant influencer for use: in Laos, mothers were equally likely to use Bear Brand or another brand (logo) for feeding infants.</p> <p>The summary of the research results was sent to the authors of the British Medical Journal article. We have asked them for a meeting to discuss.</p> <p>The poster with a teddy bear being fed by a child was used on one specific occasion in February 2010 at a Nestlé event in a Laotian province. This was never used in any context related to breast-milk substitutes. The use of this visual has been discontinued since.</p>		
<p><b>25</b></p> <p>IBFAN report p. 43</p>	<p><b>Laos</b></p>	<p>In Laos, Nestlé reps often visit paediatric and ICU wards in hospitals. Occasionally they drop samples like this one of Lactogen 1 and presents which inevitably get passed on to mothers. The items in the picture were unsolicited and found in a doctor’s office.</p> 	<p>Nestlé policy prohibits giving free samples of infant formula to healthcare facilities or to mothers.</p> <p>In line with the WHO Code, limited quantities of infant formula may be provided to healthcare professionals for clinical validation purposes for use exclusively within the institution by infants who have to be fed on breast-milk substitutes. This is subject to completion of a research protocol and, in such cases, infant formulas bear a sticker: “Formula provided for Clinical Validation – NOT FOR RESALE”. Clinical validation forms are kept for 36 months.</p> <p>Bibs with the Blue Bear and Nestlé logo may be given to healthcare facilities (e.g. for nurse training) when they are requested in writing by them. In addition, the</p>	<p>Free supplies / samples</p>	<p>Infant formula</p>



			<p>Blue Bear only appears on complementary food products. This is allowed by the WHO Code.</p> <p>The picture shown by IBFAN does not allow identification of where, when or to whom the alleged free sample was provided. Therefore it is not possible to understand what happened.</p>		
<p><b>26</b></p> <p>IBFAN report p. 43</p>	<p><b>Laos</b></p>	<p>The PPP marketing technique is manifested in Laos where smaller 135g packs of Lactogen 1 are sold. The small packs are more accessible to the poor and that is exactly the intent. Usually, products are cheaper when bought in large quantities but here it is the opposite: at 10,000 kip each (about US\$1.24) the smaller packs are cheaper to buy – for 60,000 kip one can purchase 810g, as opposed to only 750g in its standard packaging. A clear strategy to reach the poor. While the Code does not restrict the establishment of long-term pricing policies, the marketing of infant formula in small starter packages will have a negative impact on breastfeeding. The same marketing is applied in Papua New Guinea, also a country with very poor people. In conditions of poverty, breastfeeding not only reduces sickness, it prevents unnecessary deaths</p>	<p>In Laos, Lactogen Complete Infant Formula sachets of 135g for 1 day feed with a scoop inside are sold. This product is not sold in Papua New Guinea.</p> <p>The establishment of pricing policies and practices intended to provide products at lower prices on a long-term basis is allowed by the WHO Code (see Art. 5.3).</p> <p>It is important that babies who cannot be breastfed have access to suitable breast-milk substitutes. In particular, feeding infants inappropriate breast-milk substitutes is a common practice in many developing countries, and can lead to tragic results.</p>	<p>Promotion at point-of-sale</p>	<p>Infant formula</p>
<p><b>27</b></p> <p>IBFAN report p. 29</p>	<p><b>Malaysia</b></p>	<p>In Malaysia, Stage 1 begins after 6 months: “give your baby a head start”. Full page newspaper ad for Cerelac.</p> 	<p>Cerelac is a brand of infant cereals and is, as such, marketed as a complementary food for use from 6 months of age. The age positioning is clearly indicated on the product label.</p> <p>Advertisement and promotion of complementary foods is fully in line with the WHO Code and with the Malaysia Code of Ethics for Infant Foods and Related Products.</p>	<p>Promotion to the public</p>	<p>Complementary food</p>



<p><b>28</b></p> <p>IBFAN report p. 40</p>	<p><b>Malaysia</b></p>	<p>The Nestlé Nutrition Institute invited guests to its 65th Nestlé Nutrition Workshop (April 2009): cocktails, a 45 minute talk and then dinner at a 5 star hotel in Penang, Malaysia (and that counts for Continuing Medical Education).</p> 	<p>All activities under the Nestlé Nutrition Institute umbrella are purely scientific and educational in nature. They are for healthcare professionals and do not promote any product or brand.</p> <p>This particular activity discussed the “Bio-scientific aspects of growth and long term health”.</p> <p>Providing dinner with the Continuing Medical Education is a normal practice since the session takes place during dinner time. This is in line with the WHO Code and the very strict Malaysia Code of Ethics for Infant Foods and Related Products.</p>	<p>Incentives to healthcare professionals</p>	<p>N/A</p>
<p><b>29</b></p> <p>IBFAN report p. 41</p>	<p><b>Malaysia</b></p>	<p>Nestlé’s Instructions are expandable In Malaysia, Nan 3 is being promoted with the slogan, “Kids outgrow toys ... but Nan 3 protection stays with them.”</p> 	<p>NAN Pro 3 is a growing-up milk positioned for children aged 1 year and above. This advertisement is intended for healthcare professionals and has been published in medical/scientific journals and publications. This has not been featured in publications for the general public.</p> <p>On the top left hand corner of the advertisement, it is written “Untuk Profesional Kesihatan” which means “For healthcare Professionals”.</p> <p>In Malaysia, information materials for healthcare professionals and product labels related to products under the scope of the Code must be submitted to a Vetting Committee within the Ministry of Health. This material is therefore in line with the WHO Code and the Malaysia Code of Ethics for Infant Foods and Related Products.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Follow-on Formula</p>
<p><b>30</b></p> <p>IBFAN report p. 29</p>	<p><b>Philippines</b></p>	<p>In the Philippines, as required by law, Cerelac rice porridge is at stage 1 for 6 month old infants while Cerelac vegetables are in Stage 2 but also for 6 month old infants.</p>	<p>Nestlé follows the WHO and the local code. All its infant cereals and complementary foods are labelled as of 6 months.</p> <p>Both stage 1 and stage 2 infant cereals are formulated</p>	<p>Labelling</p>	<p>Complementary food</p>

			<p>for babies of 6 months of age or more, and stages refer to babies' readiness for solid foods. Stage 1 is the first solid food for infant above 6 months and only contains a single cereal (e.g. rice and soya).</p> <p>Stage 2 products contain more diversified ingredients (e.g. a cereal plus fruits or vegetables) and are therefore recommended for more advanced eaters.</p> <p>As complementary foods are not covered by the WHO Code unless they are marketed as a breast-milk substitute, this is not a violation of the WHO Code.</p>		
<p><b>31</b></p> <p>IBFAN report p. 34</p>	<p><b>Philippines</b></p>	<p>A private hospital in Metro Manila distributes Nestlé Cerelac <i>My Baby's Record Books</i>. A page inside shows Blue Bear telling moms <i>"Let's talk more about your baby's nutritional needs"</i> and gives a phone number and websites. These nice presents are given to mothers at birth, a full six months before the baby might possibly need Nestlé cereals.</p> 	<p>The <i>My Baby's Record Books</i> are made available to healthcare professionals upon their request. The fact that mothers receive this booklet only from healthcare professionals, never from Nestlé personnel, is fully in line with Art. 4.3 of the WHO Code, and is also completely consistent with the Philippines legislation.</p> <p>The booklet contains the following information: growth chart, immunization schedule, and breastfeeding tips. There is also information about complementary feeding practices with an emphasis on the fact that complementary foods should be introduced after 6 months of age along with continued breastfeeding. Information about Nestlé infant cereals recommended for use after the age of 6 months is also featured.</p> <p>Providing information to mothers about infant cereals and other complementary foods is allowed by the WHO Code as well as by the Philippines legislation.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Complementary food</p>
<p><b>32</b></p> <p>IBFAN</p>	<p><b>Philippines</b></p>	<p>Nestlé is experimenting with a new mascot on a Cerelac leaflet: a cartoon baby who asks readers: <i>"What is in a bowl of Cerelac?"</i> and</p>	<p>Cerelac is an infant cereal marketed as a complementary food for infants above 6 months of age. As such, this product is not a breast-milk</p>	<p>Promotion to the public</p>	<p>Complementary food</p>

<p>report p. 35</p>		<p>then smartly 'educates' about the effects of various minerals, protein and vitamins; "Every serving . . . go, go, go!" There is no age indication.</p> 	<p>substitute and does not fall under the scope of the WHO Code and information about it can be communicated to the general public. This is also in line with the Philippines' legislation.</p> <p>In addition, it is stated that the recommended daily intakes on the leaflet are based on the needs of babies from 6 to 12 months.</p>		
<p><b>33</b>  IBFAN report p. 35</p>	<p><b>Philippines</b></p>	<p>Another ad for Cerelac both in print and on TV shows the same cartoon baby walking along in search for the right food (iron, protein, calories, vitamins). How can the combination of all those fit in his tiny little stomach? Ah, here comes the answer: the Cerelac truck with Blue Bear showing how all the right foods fit in a bowl: "big nutrition for small tummies". (whatever happened to local indigenous foods?)</p> 	<p>Cerelac is an infant cereal marketed as a complementary food for infants above 6 months of age. This is not a breast-milk substitute. As such, advertisement of such product is not prohibited by the WHO Code or by the Philippines' legislation.</p>	<p>Promotion to the public</p>	<p>Complementary food</p>

<p><b>34</b></p> <p>IBFAN report p. 29</p>	<p><b>Thailand</b></p>	<p>In Thailand, samples of Cerelac Wheat and Milk are given away in clinics. They come in attractive packages advertising Prebio and DHA. There is a bold Stage 1 and in small print: 6 months. An enclosed leaflet encourages “Dear Mom” to join the club by giving her own and her baby’s name, birth date and contact details.</p> 	<p>Cerelac is an infant cereal recommended for babies from 6 months onwards. Sampling of complementary foods is not prohibited by the WHO Code and the Thai legislation.</p> <p>In Thailand, sampling activities take place in healthcare centres with their administrators’ approval.</p> <p>Information about complementary feeding and Cerelac is given to mothers by trained personnel. Sampling activities are carried out according to clear guidelines which include the need to:</p> <ul style="list-style-type: none"> <li>- Highlight at the beginning of the activity that Cerelac is meant for babies from 6 months onwards, and that it is not suitable for infants below 6 months.</li> <li>- Communicate the correct method of preparation.</li> <li>- Ensure that samples are only given to mothers with babies above 6 months of age.</li> </ul> <p>Sampling activities of complementary foods are allowed by the WHO Code.</p>	<p>Free supplies / samples</p>	<p>Complementary food</p>
<p><b>35</b></p> <p>IBFAN report p. 42</p>	<p><b>Thailand</b></p>	<p>In Thailand, 2009 saw a competition for the best “Mommy Bear Blogger”, a whole new website to The Mommy Bear Network: connecting mothers or profit-making tool? Conflict of interest: using breastfeeding to improve manufacturer’s corporate image connect mothers to a “more modern lifestyle”.</p> 	<p>The website ‘Mommy Bear Blogger’ contains information about growing-up milks for children above one year of age.</p> <p>Nothing on the website relates to infant formula or any breast-milk substitute product.</p> <p>The website is therefore in line with the WHO Code and Thai legislation.</p>	<p>Promotion to the public</p>	<p>Growing-up milk</p>

<p><b>36</b></p> <p>IBFAN report p. 36</p>	<p><b>Uzbekistan</b></p>	<p>Retail outlets in Uzbekistan sell Nestlé cereals recommended for 4 and 5 months</p> 	<p>Uzbek food norms are aligned on Russia's Sanitary Rules and Regulations (SANPIN, the food Codex of Russia). Those norms mandatorily require labelling of complementary foods between 3 and 6 months (depending on the kind of products).</p> <p>Nestlé's intention to position first-age complementary foods for introduction at 6 months has met with serious impediments in countries that follow Russian norms like Uzbekistan (which is often the case with former Soviet Union countries).</p> <p>We are nevertheless pursuing efforts to support WHO's recommendation on exclusive breastfeeding for 6 months by giving relevant indications on labels of our complementary foods and in related communication materials, while respecting the opinion of health authorities and medical associations in countries like Uzbekistan.</p>	<p>Labelling</p>	<p>Complementary food</p>
<p><b>37</b></p> <p>IBFAN report p. 36</p>	<p><b>Uzbekistan</b></p>	<p>Nestlé calendar found in a paediatrician's office in a polyclinic in Uzbekistan. Note some of foods recommended from 4 months.</p> 	<p>As allowed by the WHO Code, Nestlé may provide low-cost items of professional utility to health workers on an occasional basis if and as culturally appropriate. These items never refer to proprietary products within the scope of the WHO Code.</p> <p>The Nestlé calendar referred to in the IBFAN report and found in Uzbekistan shows complementary food products.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Complementary food</p>
<p><b>38</b></p> <p>IBFAN report p. 36</p>	<p><b>Uzbekistan</b></p> <p>[Same as 7: Egypt]</p>	<p>Colourful height measuring tapes found in paediatric offices respectively in Uzbekistan and Egypt. Both promote Nestlé cereals.</p>	<p>These height measuring tapes feature the Blue Bear and pictures of complementary food products, such as infant cereals. Complementary foods do not fall under the scope of the WHO Code.</p> <p>This is in line with the WHO Code and local legislation.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Complementary food</p>

					
<b>39</b>  IBFAN report p. 36	<b>Uzbekistan</b>	<p>Nestlé information on infant feeding for doctors in Uzbekistan to pass on to mothers. The sheets do not contain information required by Article 4.2 of the Code.</p> 	<p>Information required under Article 4.2 of the WHO Code is mentioned on our informational and educational materials related to infant formula and that are intended to reach pregnant women and mothers.</p> <p>The leaflet in question aimed at providing mothers advice on complementary feeding and infant cereals, not on infant formula. The leaflet does start by mentioning at its top in outstanding red characters that breast milk is best, recommends breast milk between 0 and 6 months and continued breastfeeding throughout the various food diversification stages that extend to 12 months. This is not a violation of the WHO Code.</p>	Promotion in healthcare facilities / to healthcare professionals	Complemen tary food
<b>40</b>  IBFAN report p. 5	<b>Vietnam</b>	<p>Vietnam: Rent-a-dazzle Take the example of this announcement circulated to shops in Vietnam. It is a scheme whereby Nestlé rents prime display space in shops and dictates the placement (at eye level) and the minimum quantity of formula products to be displayed. The products involved are AL 110, Pre NAN, NAN 1, NAN 2, Lactogen 1 and Lactogen 2, all of which come under the scope of the Vietnamese Decree, which gives effect</p>	<p>This concern has already been raised by IBFAN with Nestlé Headquarters. A response to IBFAN has been provided.</p> <p>As a best practice, food companies try to get a commitment from the Traditional Trade shops to ensure cleanliness of the shelf and safe storage of the products.</p> <p>The contract referred to specifies how Nestlé products</p>	Promotion at point-of-sale	Infant formula



to the International Code. Shopkeepers are given four display options:

- diamond (124 tins; rental value 700,000 VND or US\$43)
- platinum (64 tins; rental value 300,000 VND or US\$19)
- gold (34 tins; rental value 150,000 VND or US\$9)
- silver (24 tins; rental value 100,000 VND or USD\$6)





Nestlé determines the quantity of each brand to be displayed under each of the four categories. For the diamond and platinum displays, Nestlé gets to issue instructions on the decor of the displays and will support the shops with an unspecified nutrition program.

should be put on the shelves and taken care of. This is not a special display, nor a promotional one, but a demonstration of the shelf as it should be set up – i.e. in a logical and clean manner. Advertising or promotion of our infant milks does not take place through such a display.

Nestlé Vietnam has never been approached by any authorities in Vietnam about this. This is neither a violation of the WHO Code nor of the Vietnamese legislation.

		<p>Payment for rental space is a convoluted arrangement whereby a 'coupon-receipt' will be issued to shops each month for exchange with Nestlé products.</p> <p>Special displays are a promotional device prohibited by Article 5.3 of the Code. Although the Vietnamese decree is silent on promotion in shops, the health authorities in Vietnam have confirmed with ICDC that this practice is a form of advertising in violation of their national decree.</p>			
<b>EUROPE</b>					
<p><b>41</b></p> <p>IBFAN report p. 21</p>	<p><b>Armenia</b></p>	<p>In Armenia where the Law of Advertising prohibits free distribution for the purpose of promotion, free supplies of Nan are still found in health facilities.</p> 	<p>Nestlé policy prohibits giving free samples of infant formula to healthcare facilities or to mothers.</p> <p>Nestlé has restrictively agreed to meet some requests for free supplies of infant formula from Armenian institutions, for the feeding of orphans under medical supervision who need to be fed breast-milk substitutes, as allowed by article 6.6 of the WHO Code. Those supplies are provided only in cases we get from the institution a written commitment that they will not use donated infant formula to feed healthy babies or give them to mothers.</p> <p>The picture shown by IBFAN does not allow identification of the venue or any circumstances that would help interpret the incident, or permit further investigation.</p>	<p>Free supplies / samples</p>	<p>Infant formula</p>
<p><b>42</b></p> <p>IBFAN report p. 24</p>	<p><b>Armenia</b></p>	<p>In Armenia, information materials for health professionals explain how the Protect combination of "nutrients" in Nan 1, Nan 2 and Nan HA improves immunity during the first and most important year of life.</p>	<p>These information materials are intended only for a discerning healthcare professional audience. All information provided in it is of scientific nature and is backed by the results of scientific studies and clinical trials.</p> <p>This is fully in line with the WHO Code, which allows</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>

			<p>manufacturers to inform the medical profession about the content and properties of infant food products.</p>		
<p><b>43</b></p> <p>IBFAN report p. 30</p>	<p><b>Armenia</b></p>	<p>Stage 1 used to start at 4 months. Then Nestlé proudly announced it would switch to 6 months as the only company to comply with WHA resolutions. In April 2005, Nestlé wrote a formal letter to the Minister of Health saying: <i>“Since 2003, all infant cereals and other complementary foods imported into Armenia by our distributor are labelled from 6 months.”</i> Not true anymore. Nestlé went back on its word! ‘4 months’ shows on leaflets, labels, TV and in shops.</p> 	<p>Nestlé’s implementation of the 6-month age recommendation for introduction of complementary foods has met with serious impediments in countries that continue to follow Russian norms like Armenia. Please refer to the following response.</p>	<p>Labelling</p>	<p>Complementary food</p>
<p><b>44</b></p> <p>IBFAN report p. 30 and 37</p>	<p><b>Armenia</b></p>	<p>A leaflet on Nestlé cereals found in 2009 as well as a recent label and even a TV spot, clearly shows the recommended age starting from 4 months.</p> 	<p>Armenian food norms are aligned on Russia’s Sanitary Rules and Regulations (SANPIN, the food Codex of Russia). Those norms require labelling of complementary foods between 3 and 6 months (depending on the kind of products).</p> <p>Like the National Institute of Nutrition of Russia and the Russian Pediatrician Association, paediatricians in</p>	<p>Labelling</p>	<p>Complementary food</p>

		<p>In Armenia, an attractive Gerber booklet promotes complementary foods at 4 months. Fruit and vegetable juices in supermarkets are recommended from 4 months and apple juice even from 3 months.</p> 	<p>Armenia recommend introduction of weaning foods between 3 and 6 months. Facing that remaining lack of consensus on age indication, we indicate on our infant cereal labels that WHO recommends exclusive breastfeeding for 6 months, and mothers should consult their healthcare professionals on when to introduce our infant cereals to their baby.</p> <p>We are now relabeling our complementary foods to remove the 4-months age indication. In the event national authorities enact a clear regulatory norm, we will readily adapt our labels accordingly.</p>		
<p><b>45</b></p> <p>IBFAN report p. 30</p>	<p><b>Armenia</b></p>	<p>When browsing in a supermarket some people might not see the huge shelf talker right at the top of the baby food shelf with Nestlé's Blue Bear calling their attention to complementary foods; just to catch those Armenian shoppers who don't look up, there is also a Blue Bear flat on the floor showing off new cereal products: "Buy two, get a free plate".</p>  <p>Promotion for cereals: low on the floor and high up on the shelves</p>	<p>The Blue Bear is used only in association with complementary foods, not with infant formula. The WHO Code does not prohibit promotion of complementary foods.</p>	<p>Promotion at point-of-sale</p>	<p>Complementary food</p>
<p><b>46</b></p> <p>IBFAN report</p>	<p><b>Ukraine</b></p>	<p>In the Ukraine, Nestlé advertises Nan 2 on TV. The ad idealises the product by depicting a baby and mother and made claim about the product's 'protective components'.</p>	<p>The Nestlé Instructions (2004) applied to all Eastern European countries which were not members of the European Union. In 2007 a review of the countries where the Nestlé Instructions were applied was</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>



Nestlé defends the ad by relying on the 2006 EU Directive on infant formula and follow-on formula which prohibits advertising of starter formula but allows advertising of follow on formula.

Nestlé says it adopted this policy in Ukraine because its development indices resemble those of neighbouring EU Member States. By doing so, Nestlé is shifting its goal posts and imposing yet another exclusion criterion to the application of its own instructions – apply the weak EU Directive outside the EU and where there is no law.

Hiding behind others Nestlé also states that its policy is in keeping with the current norms in Ukraine, where advertising of follow-on formula by all companies is common practice. Nestlé, which prides itself on being the leader and standard bearer in infant nutrition, is saying that since other companies are advertising follow-on formula in the Ukraine, it should also be allowed to do so.


conducted. Based on a combination of six socio-economic and health risk indicators, it was determined that in Ukraine the European legislation on infant formula and follow-on formula was to be followed.



This advertisement for NAN 2 (follow-on formula) was in keeping with Ukrainian regulations, where advertisement of follow-on formula is permitted.

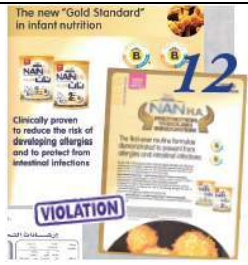

In 2010, the Nestlé Policy and Instructions were revised. The criteria used to differentiate higher-risk countries - where the Nestlé Instructions are applied - and lower-risk countries – where we follow national legislation - have been changed. The differentiation is now made on the basis of two health indicators for children under 5 years of age: mortality rate and acute malnutrition (moderate and severe wasting). Under these indicators, Ukraine now falls into the 'higher-risk' category of countries.

Therefore, advertisement of formulas for infants up to 12 months of age is currently being phased out in Ukraine, as it is now part of the higher-risk countries group.

More information about the higher- and lower-risk countries can be found at: <http://www.babymilk.Nestlé.com/breastfeeding-is-best/breastfeeding-in-developing-countries/Documents/List%20of%20lower-risk%20and%20higher-risk%20countries.pdf>

LATIN AMERICA					
<p><b>47</b></p> <p>IBFAN report p. 39</p>	<p><b>Brazil</b></p>	<p>The 12th São Paulo Congress of Paediatrics 2010 in Brazil was described by a visiting doctor: “rather than a scientific congress, this was a fair by manufacturers of baby foods and bottles and teats”.</p> 	<p>This concern has already been raised by IBFAN with Nestlé Brazil and a response was provided.</p> <p>The audience of the event was exclusively made of healthcare professionals. <i>Mucilon Prontinho</i>, the product featured on it, is a liquid food with cereals recommended for infants from 6 months of age. Presentation of this product was in line with both the WHO Code and with the Brazilian legislation.</p>	<p>Incentives to healthcare professionals</p>	<p>Complementary food</p>
<p><b>48</b></p> <p>IBFAN report p. 42</p>	<p><b>Costa Rica</b> [Same as 20: India]</p>	<p>In Costa Rica, in India (and probably many places in between) Nestlé paid for full page ads in national newspapers, ostensibly to celebrate World Breastfeeding Week (1–7 August).</p> <p>In Costa Rica, beautiful images of babies at the breast, linked, not to the mother, but to the Nestlé logo and slogan: <i>Healthy Start, Healthy Life</i>. The text of one of them says “there is a bond that unites us beyond words”. A bond between whom, one wonders?</p> <p>Shocked, the Costa Rica national breastfeeding committee wrote to the company to complain. Baby food companies who thrive on breastfeeding failure, have a conflict of interest when pretending to promote breastfeeding.</p>	<p>The materials referred to in the IBFAN report were published in newspapers and magazines in Costa Rica and India during the World Breastfeeding Week. They aim at promoting breastfeeding.</p> <p>The ‘Start Healthy, Stay Healthy’ logo refers to an educational campaign promoting healthy eating habits from the very start of life through the promotion of breastfeeding as well as by advising mothers to regularly consult their pediatrician.</p> <p>These materials do not mention any Nestlé infant formula brand or product and are in line with the WHO Code and the respective national legislations of India and of Costa Rica.</p> <p>Nestlé Costa Rica’s archives show no record of a complaint letter allegedly sent by the National Breastfeeding Committee of Costa Rica.</p>	<p>Others</p>	<p>N/A</p>

					
49 IBFAN report p. 37	Trinidad & Tobago	In Trinidad and Tobago: Gerber ran full page ads and distributed leaflets in drugstores to promote its products and “Healthy Sweepstakes” – collect labels and win cash prizes or Gerber hampers. No ages, only 1st Foods, 2 <sup>nd</sup> Foods and the promotional Gerber baby face “Shouldn’t Your Baby be a Gerber Baby?” Gerber also advertised on radio. 	This promotion, that took place between August 1 and September 15 2007, i.e. before Gerber was integrated into Nestlé, is related to baby foods which are not included in the scope of the WHO Code. The promotion was in line with local legislation.	Promotion at point-of-sale	Complementary food
<b>MIDDLE EAST</b>					
50 IBFAN report p. 27	United Arab Emirates	Nan HA 1 and Nan HA 2 is idealised as “the new Gold Standard in infant nutrition” and said to be “clinically proven to reduce the risk of developing allergies and to protect from intestinal infections”. Nan HA is also promoted as offering “protection through innovation” and “closer to the digestive pattern of breast milk.” Two cupped hands add weight to the protection theme.	This concern has already been raised with Nestlé by Baby Milk Action and a response was provided.  The product literature which referred to the term ‘Gold Standard’ were for the exclusive use of HCPs and meant to refer to the gold colour of the labels of the product. These brochures were not available to the general public and were not in any sense meant to make a comparison with breast milk or create a belief that the formula product was equivalent or superior to breast milk.	Promotion in healthcare facilities / to healthcare professionals	Infant formula



			<p>All information presented in these brochures is factual and scientific, backed by clinical trials and scientific studies that are clearly referenced.</p> <p>We however recognize that this language could be misinterpreted. To avoid confusion the use of the medical leaflets using the term 'Gold Standard' has been discontinued in November 2010 and this language will no longer be used.</p>		
<p><b>51</b></p> <p>IBFAN report p. 27</p>	<p><b>United Arab Emirates</b></p>	<p>A prescription pad cum instruction sheet allows doctors to recommend Nan products with the Protect logo.</p> 	<p>Prescription pads are provided by Nestlé exclusively to paediatricians. Paediatricians hand a prescription out only to mothers who are not breastfeeding and who have been advised to use an infant formula product. The pack shots are to help mothers find the right product or pack on shelf.</p> <p>These prescriptions, written both in English and Arabic, contain WHO's Important Notice on the superiority of breastfeeding. Information for correct preparation of the product is also included.</p> <p>This material given to paediatricians to use judiciously is not a violation of the WHO Code.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>
<p><b>52</b></p> <p>IBFAN report p. 40</p>	<p><b>United Arab Emirates</b></p>	<p>In the UAE, a meeting for health professionals at the Radisson Hotel SAS Hotel in Sharjah was followed by dinner and covered "information" on feeding infants (Nestlé nutrition) in the first year of life as well as Nestlé and the Code. Posters were seen at the meeting—one was of NAN 1 with the caption "<i>activating immune defences in the crucial first year of life</i>" and "<i>unique nutrient composition priority</i>".</p>	<p>The meeting in question was a group meeting for healthcare professionals held in the Radisson SAS hotel in Sharjah.</p> <p>The objective of the meeting was to update healthcare professionals about latest scientific information on our products. These types of meetings follows our standard format of presentation starting with Nestlé's position on WHO Code and our commitment to adhere to it, followed by scientific information on the products.</p>	<p>Incentives to healthcare professionals</p>	<p>Infant formula</p>







			This is in line with the WHO Code and national legislation.		
53 IBFAN report p. 40	United Arab Emirates	<p>"The way forward to Bright Health Future" is on leaflets for a World Health Survey in collaboration with WHO, MoH (UAE), sponsored by Nestlé.</p> <p>For the company it must seem like a small price to pay for association with a prestigious survey and get into the good books of the government.</p>	<p>The leaflet in question was printed by the UAE Ministry of Health to announce a public health survey. The logo on this leaflet is the Nestlé corporate logo.</p> <p>Upon the request of the Ministry of Health, Nestlé sponsored the media campaign by the Ministry of Health announcing the survey to the public and asking them to cooperate with the research agency in charge of it. The survey covered the general UAE population.</p>	Others	N/A
<b>OCEANIA</b>					
54 IBFAN report p. 22	Papua New Guinea	<p>Preparing a future market</p> <p>Despite the high poverty levels in PNG, Nestlé attempts to persuade health workers to switch to the more expensive Sunshine Junior with Protection Bifidus, a product few in PNG can afford.</p>	<p>Sunshine Junior is a fortified growing-up milk recommended for children from 1 to 3 years old. The product was only given to healthcare professionals. This is allowed by the WHO Code and local legislation.</p> <p>Sunshine Junior has been discontinued and has not been sold in Papua New Guinea since 2008.</p>	Free supplies / samples	Growing-up milk







<p><b>55</b></p> <p>IBFAN report p. 22</p>	<p><b>Papua New Guinea</b></p>	<p>Nestlé also undermines efforts of the Department of Health to promote breastfeeding by offering in-house training on infant feeding to health workers with free lunch provided. In January 2010, following a complaint, the Department of Health in PNG wrote to Nestlé calling on the company to stop the practice since its Departmental Circular 10/2009 prohibits health facilities from being used to promote commercial products. Nestlé responded that it was unaware of the department circular but defended its action by saying that the meeting was of a scientific nature with no mention of products. Lunch, according to the company is a matter of courtesy, consisting of sandwiches and a chocolate drink which could not possibly represent an inducement!</p>	<p>The meeting referred to in the IBFAN report took place on 13 October 2009 between one medically trained Nestlé representative and health professionals. The subject-matter of that meeting was strictly of a scientific nature, bearing upon infant and child nutrition. There was no discussion about Nestlé products.</p> <p>As the meeting took place during lunch break, modest drinks and snacks were provided (a small chocolate drink pack and a sandwich), as a matter of courtesy.</p> <p>Papua New Guinea Department of Health (DoH) issued Circular No. 10/2009 (Guidelines for the Protection, Promotion and Support of Breastfeeding) on 9 March 2009. Since its distribution was restricted to the healthcare system, Nestlé was not aware of this circular.</p> <p>In January 2010, Nestlé representatives in Papua New Guinea received a letter from the Department of Health raising concerns about the meeting that took place on 13 October 2009. A copy of the circular accompanied the letter.</p> <p>Following receipt of the letter, the matter was immediately investigated and a meeting with the Department of Health was sought to understand further the scope of those Guidelines. A meeting between Nestlé and the Department of Health took place in June 2010 and clarified any outstanding issue. Nestlé complied completely with the requirements of the DoH's circular, once aware of it.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>N/A</p>
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<p><b>56</b></p> <p>IBFAN report p. 22</p>	<p><b>Papua New Guinea</b></p>	<p>Nestlé materials are found in health facilities, marked as intended for health professionals but they contain forbidden claims about additives such as Prebio, optimal proteins, micronutrients and DHA.</p> <p>The packshots on the brochure show labels of products sold in Malaysia even though the brochure is produced in Papua New Guinea.</p> 	<p>These materials, intended for healthcare professionals only, have not been circulated in Papua New Guinea since 2007. They featured packshots of products sold in Papua New Guinea and carried the WHO Important Notice about the superiority of breastfeeding as the materials related to infant formula products.</p> <p>Local regulations do not forbid making references to nutrients contained in the product in brochures intended for healthcare professionals.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>
<p><b>57</b></p> <p>IBFAN report p. 26</p>	<p><b>Papua New Guinea</b></p>	<p>In Papua New Guinea, the Protect logo on promotional materials seen in late 2008 has not quite evolved to the logo found elsewhere. The only additive to Nan is Opti pro described as “optimised quantity of protein with improved amino acid profile to reduce solute loads to kidney so there is less stress to the kidney and other immature organs”. (see 6)</p> 	<p>The material referred to is a brochure intended exclusively to healthcare professionals. All information provided in it is of scientific nature and is backed by the results of scientific studies and clinical trials. It also contains the WHO Important Notice about the superiority of breastfeeding.</p> <p>This is fully compliant with the WHO Code and national regulations.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>

LOWER-RISK COUNTRIES					
Ref. #	Country	Reported Concern	Response	Type	Product Category
58  IBFAN report p. 33	Unknown	<p>Mothers in many countries promptly put these stickers on their car. Do they really think other drivers will knock into them if they have no such sticker? Or are they totally unaware their car has just become an ad on wheels?</p>  <p>Mothers in many countries promptly put these stickers on their car.</p>	<p>The Blue Bear featured on the stickers is used only on our Baby Food brand (infant cereals and other complementary foods). Complementary foods are not within the scope of the WHO Code.</p>	Promotion to the public	Complementary food
<b>ASIA</b>					
59  IBFAN report p. 29	Hong Kong	<p>In Hong Kong, Nestlé Infant Cereals (Stage 1) are promoted "From 4 months onwards or whenever baby is ready" - leaflet given to a health worker in a public hospital.</p> 	<p>Infant cereals are complementary foods and not a breast-milk substitute. They are marketed in full compliance with the local legislation.</p> <p>This is not a violation of the WHO Code as implemented in Hong Kong.</p>	Promotion in healthcare facilities / to healthcare professionals	Complementary food



<p><b>60</b></p> <p>IBFAN report p. 26</p>	<p><b>Singapore</b></p>	<p>A leaflet with the idealising title <i>“Beyond Optimal Nutrition”</i> distributed at a parenting fair promotes Nestlé Nan HA. 2 as <i>“the only hypoallergenic follow-up formula in Singapore that is proven to help reduce the risk of allergies.”</i> Bearing the sub-heading <i>“Supporting Natural Protection and Reducing the Risk of Allergies”</i>, the leaflet make claims about its Protect Plus additives which are prohibited by resolutions WHA 58.32[2005] and 63.23[2010].</p> 	<p>The leaflet mentioned is in line with the Code set out by the Sale of Infant Foods Ethics Committee of Singapore (SIFECs). Communications to mothers on products marketed at "after 6 months" are permitted by the local Code.</p> <p>This leaflet dates back from 2006. It was aligned with the Singapore Agri-food &amp; Veterinary Authority (AVA) local regulation during that period. AVA did not raise any concern about this leaflet and there has been no reprint of this leaflet since 2006.</p> <p>This is not a violation of the WHO Code as implemented in Singapore.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>
<p><b>61</b></p> <p>IBFAN report p. 26</p>	<p><b>Singapore</b></p>	<p>An ad entitled <i>“It is every mother’s natural instinct to protect her children”</i> cleverly juxtaposes a child in protective gear with cans of Nan 2 and Nan 3. The ad contains idealising claims such as <i>“helping to maintain a healthy digestive system”</i> and <i>“protection against harmful bacteria in the digestive system”</i>. It’s no surprise if mom chooses Nan.</p> 	<p>This consumer advertisement is for follow-on formula and is therefore allowed under the SIFECs code. Furthermore it has been approved by the Singapore Agri-food &amp; Veterinary Authority (AVA).</p> <p>This is not a violation of the WHO Code as implemented in Singapore.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>
<p><b>62</b></p> <p>IBFAN</p>	<p><b>Singapore</b></p>	<p>Just a few miles south, in Singapore, both Stage 1 and Stage 2 start at 6 months! Confusing. A leaflet: <i>“Nestlé Infant Cereals are your perfect</i></p>	<p>The Singapore Code recommends that infant cereals and complementary foods are labelled as “After 6 months”.</p>	<p>Labelling</p>	<p>Complementary food</p>



<p>report p. 29</p>		<p><i>choice</i>". They are made with formula, contain DHA, Prebio and CHE and go <i>"beyond the visual and brain development"</i>.</p> 	<p>Both stage 1 and stage 2 infant cereals are positioned as "after 6 months", and refer to babies' readiness for solid foods. Stage1 is the first solid food for infant above 6 months and contain a single ingredient (a cereal). For clarity, stage 1 products depict a "spoon" on their label.</p> <p>Stage 2 products contain more than a single ingredient (e.g. a cereal plus fruits or vegetables) and are therefore recommended for more advanced eaters.</p>		
<p><b>63</b>  IBFAN report p. 37</p>	<p><b>Singapore</b></p>	<p>Gerber's fruit juices (mixed, apple, pear, etc) sold in Singapore (2008) have no age recommendation at all. Neither do the Graduates (finger foods). They did all have the promotional Gerber baby face.</p> 	<p>Since 2009, all Gerber fruit juices sold in Singapore carry an age indicator ("after 6 months"). This follows Nestlé's acquisition of Gerber.</p> <p>The Gerber Graduates label carries a 'Crawler' icon as well as the following statements, which indicate that the product is for infants around 10 months: "Your child may be ready to use this product if he or she:</p> <ul style="list-style-type: none"> <li>• Crawls with stomach off the floor</li> <li>• May pull self up to stand</li> <li>• Begins to self-feed with fingers</li> <li>• Begins to use jaw to mash food."</li> </ul> <p>This is in line with the Singapore Agri-food &amp; Veterinary Authority (AVA) requirements which do not set mandatory age requirement for toddler products.</p>	<p>Labelling</p>	<p>Complementary food</p>



<p><b>64</b></p> <p>IBFAN report p. 37</p>	<p><b>Singapore</b></p>	<p>By 2010, after take-over by Nestlé and as required by the Singapore Code, the fruit juices are clearly marked 6 months. However the baby face seems to have increased in size.</p> 	<p>Since 2009 Gerber fruit juices sold in Singapore are marketed for use as of 6 months of age, as recommended by national regulation.</p> <p>The logo, a drawing sketch of a baby face, has been the Gerber company logo since the creation of the company in 1928. There has been no change to the logo after Nestlé's acquisition of the company.</p>	<p>Labelling</p>	<p>Complementary food</p>
<p><b>65</b></p> <p>IBFAN report p. 39</p>	<p><b>Singapore</b></p>	<p>CMEs are given at a short lunch talk at Mt Alvernia's hospital in Singapore on 'the Short Gut Syndrome'. Clearly the solution was either Alfaré or NAN HA. The solution was NOT breastfeeding - that was being discussed in the small adjoining room (without lunch).</p> 	<p>Display of infant formula products (0 – 6 months) is not allowed in scientific events under the Sale of Infant Foods Ethics Committee of Singapore (SIFECs) Code.</p> <p>SIFECs reviewed the picture, carried out an investigation and concluded that Nestlé did not display any infant formula product during this event. The query was therefore dismissed by SIFECs.</p>	<p>Incentives to healthcare professionals</p>	<p>Infant formula</p>
<p><b>66</b></p> <p>IBFAN report p. 41</p>	<p><b>Singapore</b></p>	<p>In Singapore, a Nan 3 leaflet distributed at a parenting fair explains how long chain fatty acids like DHA and ARA are the structural and functional components of immune cells and how the immune system may be benefited by DHA and ARA in early nutrition.</p>	<p>NAN 3 is a follow-on formula for use by babies from 10 months to 3 years. As such, it is not under the scope of the Singapore Code.</p> <p>This material was also in line with the Singapore Agri-food &amp; Veterinary Authority (AVA) regulation during that period. The leaflet was developed in 2006 and has not been reprinted since.</p> <p>This is not a violation of the WHO Code as implemented by Singapore.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>



					
<b>EUROPE</b>					
67 IBFAN report p. 21	Croatia	<p>In Croatia, where there is no law, the entire Beba range was found to be promoted as special sales with price discounts in a mall in Zagreb. Discounts apply to Beba Sensitive, Beba Start PRE, Beba Pro 1, Beba HA 1, Beba HA Start PRE (all infant formulas from birth) and Beba Pro 2 &amp; 3 follow-up formulas. Curiously, all these products are labelled in German, not the national language. The Code should, according to Nestlé's own reckoning be applicable in Croatia and no promotion should be allowed at the retail level.</p>	<p>Promotion of infant formula is against Nestlé Policy. These promotions were undertaken by a third party who imports and distributes the product in Croatia on its own initiative. Nestlé does not sell the Beba brand in Croatia.</p> <p>Nestlé contacted the third party to request that they cease the promotion. If such violations are reported to Nestlé directly in a timely fashion we can take action more quickly.</p>	Promotion at point-of-sale	Infant formula
					
68 IBFAN report p. 14	France	<p>Guigoz in France Nestlé devised a clever way to build a direct marketing mailing list by pledging a tree for every new baby born. Nestlé pledges to plant a tree "for a greener France" when the details of mother and baby are submitted to Guigoz.</p>	<p>Product information sent through this mailing list does not include information about infant formula products for use by babies below 6 months.</p> <p>Providing information about follow-on formula to mothers and the general public is allowed in France</p>	Promotion to the public	N/A





		<p>The small print admits that the database will be used to send out product information. Seeking direct or indirect with mothers is prohibited by the Code.</p> 	and in the European Union. Therefore this is not a violation of the WHO Code as implemented by the European Union.		
<p><b>69</b></p> <p>IBFAN report p. 14</p>	<p><b>France</b></p>	<p>Guigoz in France</p> <p>Handy blocks of readymade sheets with infant feeding advice and medical certificates for vaccinations, crèche admission, etc. allow Nestlé to promote Guigoz products through doctors. A full range of Guigoz infant and follow up formulas is seen on the inside cover.</p> 	<p>These items are solely for the use of healthcare professionals.</p> <p>The inside front cover and the back cover contain factual and scientific information about Guigoz infant and follow-on formula. Inside, medical certificates with no mention of Nestlé or of any brand can be given by healthcare professionals to mothers.</p> <p>The EU Directive allows scientific and factual materials to be provided to healthcare professionals. This is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>
<p><b>70</b></p> <p>IBFAN report p. 14</p>	<p><b>France</b></p>	<p>Guigoz in France</p> <p>The official baby record book ('Carnet de bébé') given upon discharge, contains an insert by Guigoz, saying: <i>"In the maternity your baby was fed on: Guigoz 1 or on Guigoz Confort 1, or Guigoz Hypoallergénique 1 or Pré Guigoz + AGPI-CL. (tick a box). Because of the law, we can "no longer give you free tins. So make sure you buy</i></p>	<p>These leaflets are provided by Nestlé exclusively by healthcare professionals. They contain the WHO Code Important Notice on the superiority of breastfeeding and are strictly factual. Healthcare professionals can choose to provide them to mothers who have chosen to use infant formula to feed their newborns.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>


		<p>one before going home”.</p>  <p>The Important Notice at the bottom, in very small print, has correct information about the value of breastfeeding and the risks of bottle feeding but it is so small as to go unnoticed. Such inserts were also found in record books of breastfed babies.</p>	<p>This is not a violation of the WHO Code as implemented by the European Union, which allows infant food manufacturers to provide the healthcare system with informational or educational material about infant feeding.</p>		
<p><b>71</b></p> <p>IBFAN report p. 14</p>	<p><b>France</b></p>	<p>Guigoz in France</p> <p>As part of its 100 year anniversary, Guigoz offers to reproduce winning pictures of mothers and baby pairs in a celebration album under the theme “100 years of well-being with Guigoz.” Entry may win selection for Guigoz’s publicity campaign.</p> 	<p>This initiative is not related to any product. Mothers can subscribe to sponsor the planting of a tree.</p> <p>This is not a promotion of infant formula or any other infant nutrition product and thus is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>N/A</p>



<p><b>72</b></p> <p>IBFAN report p. 15</p>	<p><b>France</b></p>	<p>Guigoz in France A baby care booklet <i>Retour à la maison</i> (Return Home), distributed by Guigoz to maternities, provides advice on infant feeding. While much of its information is accurate, the way in which it is presented subtly undermines breastfeeding. The emphasis on breastfeeding problems such as engorgement, cracked nipples, infection, lack of vitamins, makes Guigoz formulas out to be a wise option. It presents follow-up formulas as the appropriate next step in infant feeding with text suggesting that after 4-6 months mothers should use the products. The booklet shows pack shots of Guigoz Evolia 2 “for all babies” and Guigoz Confort 2 and Guigoz Transit 2 “for babies with minor digestive problems”.</p> 	<p>This booklet, given to mothers by healthcare professionals, contains information about infant feeding, including about breastfeeding. Information is only about follow-on formula products and is provided along with the WHO Important Notice about the superiority of breastfeeding.</p> <p>This is not a violation of the WHO Code as implemented by the European Union. The EU Directive allows companies to provide information about follow-on formula products to mothers.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Follow-on formula</p>
<p><b>73</b></p> <p>IBFAN report p. 15</p>	<p><b>France</b></p>	<p>Guigoz in France A leaflet, <i>Sur les petits troubles digestifs</i> advising mothers on problems with reflux and constipation assumes babies are bottle fed and promotes Guigoz 2 on the back page.</p> 	<p>This leaflet contains factual and scientific information about reflux and bowel problems. It also contains information about follow-on formula and the WHO Important Notice about the superiority of breastfeeding. The EU Directive allows companies to provide information about follow-on formula to the general public.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>

<p><b>74</b></p> <p>IBFAN report p. 15</p>	<p><b>France</b></p>	<p>Guigoz in France Doctors are provided with a 'Kit de Suivi de la Croissance' which contains a French government growth chart stuck inside a folder promoting Guigoz Comfort 1 &amp; 2 and Guigoz Evolia 1 and 2. These folders are supposed to be utility gifts which Nestlé allows under its own guidelines but it tries to pass off product promotion as scientific and factual information.</p> 	<p>The WHO Code, as well as French legislation and the EU Directive, allow contact between companies and healthcare professionals. The folder contains factual and scientific information about the products mentioned. The Growth Chart enables doctors to evaluate the appropriate growth of infants against French government standards.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>
<p><b>75</b></p> <p>IBFAN report p. 15</p>	<p><b>France</b></p>	<p>Guigoz in France The parenting magazine <i>Infocrèche</i> carries three pages of ads on Guigoz 2 featuring baby talk and explaining how baby cries often, his stomach hurts and why Guigoz concentrates its research on digestive well-being of babies.</p> 	<p>Advertisements of follow-on formula are allowed by the EU Directive.</p> <p>This advertisement is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>
<p><b>76</b></p> <p>IBFAN report p. 15</p>	<p><b>France</b></p>	<p>Guigoz in France Good or Bad? Why would Nestlé want to give pregnant women a booklet on 'preparing for birth' if it does not promote any of its products? Guigoz in France</p>	<p>This booklet is made available to pregnant women and contains information about pregnancy and delivery. No information about any product is contained in it. In addition, the booklet features the WHO Important Notice about the superiority of</p>	<p>Promotion to the public</p>	<p>N/A</p>



		<p>just does that. It's a service to start positive anchoring of the company's name and logo in the mother's mind. The booklet promotes breastfeeding but warns about allergy risks and says breastfeeding does not prevent new pregnancies, both subtly undermining the practice.</p> 	<p>breastfeeding.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>		
<p><b>77</b></p> <p>IBFAN report p. 16</p>	<p><b>France</b></p>	<p>Guigoz in France</p> <p>The parenting magazine <i>Infocrèche</i> contains ads on Nidal 2 which show how there are Nidal products for breastfed and bottle fed babies because each has different needs.</p> 	<p>Advertisements of follow-on formula are allowed by the EU Directive, which France follows.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>
<p><b>78</b></p> <p>IBFAN report p. 16</p>	<p><b>France</b></p>	<p>Guigoz in France</p> <p>Nestlé distributes leaflets about its new website on paediatrics (<a href="http://www.pediatrie.nestle.fr">www.pediatrie.nestle.fr</a>) where doctors can zoom in on the full range of Nidal or print out information sheets for “mothers who</p>	<p>This website is restricted for the exclusive use of healthcare professionals. To register, the healthcare professional needs to give his or her credentials.</p> <p>Communications to healthcare professionals on</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>



		<p>cannot or do not want to breastfeed". The leaflet shows advertisements for the Nidal infant formula range: Nidal Natea 2, Nidal Novaïa 2, Nidal Confort 2, Nidal Pelargon 2. Although the ads say "breastfeeding is best", they are not factual and scientific and are a form of promotion not allowed under the Code.</p> 	<p>infant formula and other products is in accordance with the EU Directive as well as the WHO Code.</p>		
<p>79 IBFAN report p. 16</p>	<p>France</p>	<p>Guigoz in France The <i>Guide de l'allaitement et du sevrage</i> (Guide to breastfeeding and weaning), by Nestlé Nidal, distributed in mother and child healthcare units in France promotes hotlines (free daily advice by qualified nutritionist) and Nestlé website (<a href="http://www.bebe.nestle.fr">www.bebe.nestle.fr</a> - one click and advertisements for all Nestlé products appear). The Guide contains ads for the Nidal range of follow-up milks also in liquid form – "so practical for travel". This Guide instructs to use water at 40°C or less which is contrary to WHO guidelines</p>	<p>Providing information about the weaning period and follow-on formula to mothers and the general public is in accordance with the EU Directive.</p> <p>There is no advertisement or mention of starter infant formula on the website. Only follow-on formula and complementary food products are featured. In addition, the WHO Important Notice about the superiority of breastfeeding is featured on the homepage.</p> <p>Concerning the instructions to use water at 40°C, these meet national requirements and are fully in</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Follow-on formula</p>



		<p>recommending to mix formula into water at 70°C.</p> 	<p>accord with the recommendations of the WHO/FAO standard, setting body, the Codex Alimentarius. The Codex standard recognises several strategies to prepare infant formula hygienically (see: <a href="http://www.codexalimentarius.net/download/repport/686/al31_13e.pdf">http://www.codexalimentarius.net/download/repport/686/al31_13e.pdf</a>).</p> <p>This is in line with the WHO Code as implemented by the European Union.</p>		
<p><b>80</b></p> <p>IBFAN report p. 16</p>	<p><b>France</b></p>	<p>Guigoz in France</p> <p>Another Nestlé publication, <i>Les laits infantiles expliqués aux parents</i> (Infant milks explained to parents) has pack shots and ads for Nidal milks on every page.</p> 	<p>This leaflet is about follow-up formulas. Only Nestlé Nidal follow-up formula products are featured in it.</p> <p>This is allowed in Europe, thus this is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>
<p><b>81</b></p> <p>IBFAN report p. 17</p>	<p><b>France</b></p>	<p>Guigoz in France</p> <p>Although this wall poster has nothing to do with infant feeding, it has a logo which promotes Nidal 2 and earns the gratitude of doctors looking for handy posters to adorn the walls of their clinic.</p>	<p>The EU Directive allows displaying logos of follow-on formula on wall posters or other materials available to the general public.</p> <p>This is in line with the WHO Code as implemented by the European Union.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Follow-on formula</p>



		 <p><i>This chart opens up to show further developmental milestones of children up to 7 years with the Nidal logo thrown in for good measure</i></p>			
<p><b>82</b></p> <p>IBFAN report p. 17</p>	<p><b>France</b></p>	<p>Is there any difference between Guigoz and Nidal? <i>“une solution à chaque situation”</i> vs <i>“une formule infantile pour chaque situation”</i></p> <p>Is Nestlé running out of ideas to promote its many brands?</p> <p>A comparison of Guigoz and Nidal promotional materials suggests so. In the catalogue <i>“Une gamme ajustée à chaque besoin”</i> – a range for every need, Guigoz offers a solution for every need – <i>“une solution à chaque situation”</i>. Even for babies without problems. Only the back cover contains the small print reminder that breastfeeding is the best.</p> <p>Nidal in its own catalogue <i>“La recherche infantile pour chaque situation”</i> – research for every case, suggests the same thing – <i>“une formule infantile pour chaque situation”</i> – infant formula for all situations.</p> <p>This is like covering all bases: if French parents don’t like Nestlé Nidal they have the Guigoz option.</p> <p>The baby food market would have been cornered if not for French competitor Danone.</p>	<p>These brochures are for the exclusive use of healthcare professionals, and this is stated on the cover page of the document. They are not distributed to the general public.</p> <p>They describe the range of formula products under the brands Guigoz and Nestlé Nidal to help healthcare professionals to understand what is available and to differentiate between the different products available.</p> <p>This is in line with the EU Directive which allows companies to provide healthcare professionals with information about infant formula products.</p> 	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>





<p>83</p> <p>IBFAN report p. 18</p>	<p>France</p> 	<p>Gifts galore</p> <p>Another area where Guigoz and Nidal show their Nestlé lineage is in the gifts department. Gifts to mothers are not permissible under any circumstances so Nestlé uses health facilities to pass them on. These gifts, although small in value, generate goodwill and confer medical endorsement to their products, a valuable marketing asset.</p> <p>Although Code Article 6.8 allows company names and logos to appear on donated equipment or materials, brand names are not allowed. Article 6.2 and 6.3 prohibit healthcare facilities from being used for promotional ends. Article 7.3 prohibits financial and material inducements which can take many forms even small items. Gifts found in healthcare facilities include..</p> 	<p>The viscosity evaluator, paraphernalia bag, adhesive stickers, and writing pads are given to healthcare professionals for their exclusive professional use or for evaluation purposes and are not distributed to the general public.</p> <p>Free samples of follow-on formula (and not infant formula) are given to healthcare professionals, who then pass them on to mothers as they see fit. This is in line with the EU Directive.</p> <p>The height chart, the measuring tape and the teething ring are given to healthcare professionals for mothers. They feature the name of a follow-on formula and this is allowed by the EU Directive.</p> <p>Baby on Board stickers and plasters are given to HCPs for mothers. They display the name or logo of the company Guigoz and not of any specific product. Thus, this is in line with the EU Directive.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Follow-on formula</p>
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<p><b>84</b></p> <p>IBFAN report p. 30</p>	<p><b>France</b></p>	<p>A fancy ring binder called “<i>For a good start in life</i>” describes the stages. Page one sets out to congratulate the new parents on the birth of their baby. Mothers are asked to fill in their name, address and infant particulars (esp. if twins). Every month Nestlé will send a newsletter with nutrition advice, recipes, coupons for discounts and possibilities to win prizes. A page on breastfeeding ends with: “<i>If a doctor recommends a substitute... do make sure to stick with that brand.</i>” The whole fancy binder assumes that breastfeeding will not last very long if tried at all. Turn the page and the title says: “<i>The bottle is also a moment of love</i>”. If you choose not to, or if you cannot breastfeed...not to worry.</p>  	<p>This booklet, entitled “<i>Mon éveil nutritionnel en 4 étapes</i>”, contains information about breastfeeding and about the weaning period.</p> <p>Introducing the topic of bottle-feeding, it is stated that “Breastfeeding is the ideal and natural food for the baby. Nevertheless, if you choose not to breastfeed, or if you can’t, there are infant formulas that meet your baby’s needs. Your paediatrician will advise you an infant formula for your baby. Follow his recommendations.”</p> <p>Discount coupons are only available for complementary food products and not for infant formula.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Complementary food</p>
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<p><b>85</b></p> <p>IBFAN report p. 31</p>	<p><b>France</b></p>	<p>A large format folder on the same four stages (showing months and weights) is addressed to doctors in France: <i>“As a doctor, you have a most important role in guiding parents to diversify feeding”</i>. This chart is to help you decide when to introduce new foods. No brand names but a reminder: <i>A Good Start in Life: Nestlé</i>. Other flyers and ads repeat and reinforce this slogan.</p> 	<p>This is a factual and scientific information document addressed uniquely to doctors. The EU legislation, like the WHO Code, allows companies to give information to healthcare professionals.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Complementary food</p>
<p><b>86</b></p> <p>IBFAN report p. 33</p>	<p><b>France</b></p>	<p>A soft toy Blue Bear, clearly visible in a transparent package, is an attractive gift to mothers in France. The same package contains leaflets with a beautiful and happy baby in skin to- skin contact with his mother. There is a nice write-up on breastfeeding (its wonders during the first two weeks!) and right next to it: <i>“How many bottles per day?”</i> Another leaflet urges mothers to register with Club Nestlé Bébé and get samples, coupons, advice and more presents.</p> 	<p>The Blue Bear is used exclusively in relation with weaning food products and so cannot be considered as promoting infant formula. The leaflet contains information about the development and nutrition needs of infants and young children from 9 to 15 months i.e. an age at which weaning foods are recommended. It does not feature any product and it contains the WHO Important Notice about the superiority of breastfeeding.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Complementary food</p>
<p><b>87</b></p> <p>IBFAN report</p>	<p><b>France</b></p>	<p>A fold-out on the 4 stages illustrates Nestlé products on every page, except for infant formula and follow-up formula which are never shown by brand, only mentioned generically.</p>	<p>These fold-outs are about a baby’s development and nutrition needs. They describe the nutritional needs of a baby from birth to 36 months. There is no mention of any infant formula or complementary</p>	<p>Promotion to the public</p>	<p>N/A</p>

p. 31		<p>Another fold-out (in a handy credit card size) reminds French parents about Nestlé's concept of 4 stages in infant growth and how Nestlé provides a good start. Stage 1 = after 4 months. Cleverly it shows no brands.</p> 	<p>food brands. Nor are there coupons or promotional messages about Nestlé products.</p> <p>In addition, the inside cover gives WHO recommendations on breastfeeding.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>		
<p><b>88</b></p> <p>IBFAN report p. 19</p>	<p><b>Germany</b></p>	<p>Nestlé advertises extensively for all its products on its own website (<a href="http://www.nestle.de">www.nestle.de</a>) and on a website dedicated to baby foods (<a href="http://www.babyservice.de">www.babyservice.de</a>). The websites promote formula products (Beba) and complementary foods (Alete and NaturNes). Nestlé Beba, Beba AR and Beba Pro are promoted with slogans such as <i>"Beba for all ages, for all needs ... a healthy milk-based food from the start"</i>. Although infant formula is not specifically mentioned, the slogans leave no doubt that the product is encompassed in the text.</p>  <p>At one point, on the website <a href="http://ernaehrungsstudio.nestle.de">http://ernaehrungsstudio.nestle.de</a>, a company counsellor explains how breastfeeding builds up the immune system. Immediately after, the site</p>	<p>These websites clearly stated the superiority of breastfeeding, and for those mothers that do not breastfeed, mentioned only factual information on starter formula.</p> <p>The content of the babyservice.de website has been completely reviewed in January 2011. As a result:</p> <ul style="list-style-type: none"> <li>• All pages/sections with information on infant formula have been coded with a pop-up window that mentions WHO Important Notice on the superiority of breastfeeding and a disclaimer requesting confirmation by the parents of their desire to get access to factual information on infant formula before proceeding.</li> <li>• In line with German legislation, information on those websites is limited to purely factual statements which mirror the information available on the pack.</li> </ul> <p>The messages used were scientifically substantiated and were compliant with EU law at that time.</p>	<p>Promotion to the public</p>	<p>Infant formula</p>



		<p>promotes Nestlé Beba Start H.A. PRE and Nestlé ALETE H.A. saying that even mothers who do not breastfeed do not need to worry because the company's hypoallergenic products sharply reduce the danger of cows' milk protein exposure. What's more, mothers can go on to probiotic Bifidus contained in Nestlé products. All in all, a mother may conclude that breastfeeding or H.A. formula feeding is practically the same. (Links to expert advice and literature are given.)</p>			
<p>89</p> <p>IBFAN report p. 19</p>	<p>Germany</p>	<p>The Nestlé Baby Service website gives the usual pack shots and promotes follow-up milk even though the pictures are of very young babies. One such baby is shown in a TV spot inserted on the web.</p> 	<p>The EU legislation allows infant formula manufacturers to provide information to mothers about follow-on formula.</p> <p>No pictures of babies below 6 months have been used on the website in conjunction with follow-up formula products. In addition, the baby used in the current TV spot is older than 6 months – a legal requirement for an advertisement to the public.</p> <p>No e-coupons for starter formulas or the opportunity to order free starter formula from Nestlé were ever offered on the website.</p> <p>Coupons for products for older infants and young children are allowed in Europe as are free gifts and subscriptions as long as they are not promotions related to starter formula.</p> <p>These are not violations of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Infant formula</p>



		<p>Products that are claimed to reduce allergy risks and regurgitation are specially promoted. There is also a Q&amp;A section with a worrisome question: <i>“What if I do not have enough milk anymore?”</i> Ultimately of course, the solution is a range of Nestlé products. Mothers are enticed by free gifts, discount coupons, subscriptions, etc. Nestlé also contacts mothers directly through its Nestlé Baby Service which they can sign up for even before their babies are born. When the baby is 4 months old, they receive a packet of gifts which includes two Beba Pro 1 samples and coupons for purchase of Beba Pro at a reduced price. Mothers also receive Beba Pro promotion via Nestlé infomail.</p>			
<p><b>90</b></p> <p>IBFAN report p. 20</p>	<p><b>Germany</b></p>	<p>Nestlé Beba HA Start Pre (hypoallergenic starter formula) is advertised in <i>Jung &amp; Gesund</i> magazine (Young &amp; Healthy) published by the German Paediatrics Association. The ad entitled <i>“Play it safe in allergy prevention”</i> shows a pack shot of Beba HA Start Pre with a logo headed <i>“For Today and Tomorrow”</i>. It ends with the slogan <i>“The feeling of doing the right thing”</i>. The same ad also appears in the parenting magazine, <i>Schlecker Baby Club</i>.</p> 	<p><i>“Jung &amp; Gesund”</i> is a paediatric journal specializing in babycare. The EU Directive allows factual information on starter infant formula to be provided in medical journals and publications specialised in baby care. In addition, the content of <i>“Jung &amp; Gesund”</i> is reviewed before publication by the German Pediatric Association.</p> <p>The parenting magazine <i>“Schlecker Baby Club”</i> is also a journal specializing in babycare. Before publication, its editing team also reviews the information and decides which information may be considered factual.</p> <p>Both advertisements did stress that breast milk is <i>“the best for infants”</i> and advised mothers to consult a healthcare professional prior to switching to a breast-milk substitute.</p> <p>These are not violations of the WHO Code as implemented by the European Union, as this is allowed.</p>	<p>Promotion to the public</p>	<p>Infant formula</p>

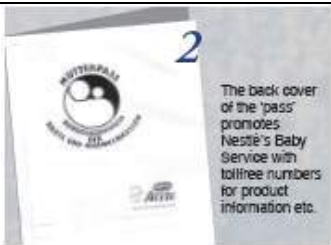


<p><b>91</b></p> <p>IBFAN report p. 20</p>	<p><b>Germany</b></p>	<p>Following the implementation of the revised EU Directive in Germany, Beba exploits the occasion with a leaflet giving “<i>important information for parents</i>” telling parents “<i>everything about Nestlé Beba infant formula and the new EU Directive</i>”. There is a full page ad for four Beba starter formulas and four follow-up formulas, explaining the “<i>three building blocks of life</i>” which consist of a combination of additives found in their products and their functions; claims which are prohibited.</p> 	<p>This leaflet was developed to inform parents about the significant change in the EU Directive with regards to the usage of follow-up formula (before from 4 months – now from 6 months). Therefore, starters were included into the leaflet to provide an overview of the entire range to ensure appropriate usage. The leaflet was provided to paediatricians as an information source for parents – thus ensuring the explanation by a healthcare professional.</p> <p>Furthermore the leaflet was also included inside the packs of starter formulas; thus parents could only get access to it once they had purchased the formula.</p> <p>These are not violations of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Infant formula</p>
<p><b>92</b></p> <p>IBFAN report p. 20</p>	<p><b>Germany</b></p>	<p>A similar leaflet for parents was given out by Nestlé Alete: <i>Everything around the Nestlé Alete infant formula and the new EU Directive</i>. The leaflet promotes Alete Pre + Starter + HA formulas from birth (as well as follow-up formula).</p>	<p>This leaflet was developed to inform parents about the significant change in the EU Directive with regards to the usage of follow-up formula (before from 4 months – now from 6 months). Therefore, starters were included into the leaflet to provide an overview of the entire range to ensure appropriate usage. The leaflet does not contain any baby pictures, the reference to breastfeeding is clearly readable, and the information provided is factual.</p> <p>The leaflet was provided to paediatricians as an information source for parents – thus ensuring the explanation by a HCP.</p> <p>Changes in the formula as well as changes in the EU</p>	<p>Promotion to the public</p>	<p>Infant formula</p>



		 <p>It explains how there will be minor changes in labelling in order to follow EU Directive: Alete Step 2 follow-up formula will be recommended to start after 6 months. The leaflet is an excuse to also announce energy levels are now closer to mother's milk; vitamins are adapted; protein is down and there is new packaging. Surprisingly, it also says: <i>“Your Advantage”: now you need less powder meaning you can make two more bottles out of 600gm package since we adjusted our dosage instructions.</i> (Does it mean that Alete formula was under-diluted before the adjustment?)</p>	<p>Directive resulted in regulatory modifications of the ingredients and the dosage instructions. Even the size of scoop was adjusted to ensure that mothers would not over/under dose.</p> <p>It is factually true that the new dosage instructions resulted in 2 more bottles out of each 600gr pack. The new dosage instructions take into account the fact that previously ALETE 2 (after 4 months) became ALETE 2 (after 6 months). As a result the dosage instructions were changed to accommodate the different nutritional requirements for older babies who are also eating solid foods.</p>		
<p><b>93</b></p> <p>IBFAN report p. 31</p>	<p><b>Germany</b></p>	<p>A very similar leaflet in Germany, however, is less cautious. It shows pack shots of Nestlé Alete follow-up milk, juices, teas <i>“as of the first week”</i> and lists Alete products by name for each <i>“stage”</i>. Stage 1 (after the 4th month) includes surprises like Spaghetti Bolognese. The leaflet also highlights a free hotline and website.</p>	<p>This refers to follow-on formula and complementary food products. German legislation and the EU Directive allow advertisement of complementary foods.</p> <p>Two types of teas (fennel tea and herbs) have traditionally been used in Germany for babies from 1<sup>st</sup> week of age – in agreement with the national pediatric society. This is a common practice in Germany. The German Ministry of Health recognises that fennel tea can be used in addition to breast milk or infant formula in case of diarrhea, high fever and hot temperatures.</p>	<p>Promotion to the public</p>	<p>Follow-on formula Complementary food</p>









					
94 IBFAN report p. 33	Germany	In Germany NaturNes is also advertised (full page) in <i>Eltern</i> , a parents' magazine; for after 4 months, with a happy baby welcoming "the more natural taste" of steamed chicken and veggies. The ad ends with the slogan "Inspired by Nature, developed by Nestlé". 	This refers to a complementary food product. German legislation and the EU Directive allow advertisement of complementary foods.  This is not a violation of the WHO Code as implemented by the European Union.	Promotion to the public	Complementary food
95 IBFAN report p. 33	Germany	On a website and in junk mail are advertisements for Alete fruit purées, all for 4 months. The ad shows an offer to purchase 4 jars and get 2 more free. The website also presents other promotional offers, prizes, coupons and discounts.	This refers to a complementary food product. German legislation and the EU Directive allow advertisement and promotion of complementary foods.  This is not a violation of the WHO Code as implemented by the European Union.	Promotion to the public	Complementary food



					
<p><b>96</b></p> <p>IBFAN report p. 38</p>	<p><b>Germany</b></p>	<p>The 13th Congress of the Deutsche Gesellschaft für Pränatal- und Geburtsmedizin (German Association for neonatal health) was cosponsored by Nestlé, Humana and Hipp.</p> 	<p>The EU Directive does not prohibit sponsorship of scientific conferences and health seminars for healthcare professionals. Scientific conferences make important contributions to professional development.</p> <p>The information provided during the conference is factual and scientific. This information is for the exclusive use of Healthcare Professionals- not parents.</p> <p>This is not a violation of the WHO Code, but rather a means of encouraging the sharing and development of scientific knowledge about Pediatrics and General Medicine.</p>	<p>Incentives to healthcare professionals</p>	<p>N/A</p>
<p><b>97</b></p> <p>IBFAN report p. 38</p>	<p><b>Germany</b></p>	<p>Also in Germany, the “Bundesausschuss der Ärzte und Krankenkassen” (a health insurance), accepted Alete’s funding of the cover for the “Mutterpass”, a document that pregnant women need to bring for all doctor visits and delivery.</p>	<p>The cover was a protective plastic cover aiming at reducing the wear and tear of the “Mutterpass” (a document carried by pregnant women), and was provided on the request of the federal health insurance “Bundesausschuss der Ärzte und Krankenkassen”. The material was discontinued two years ago.</p> <p>The logo displayed was the ALETE logo used on all complementary foods – including the Blue Bear</p>	<p>Promotion to the public</p>	<p>Complementary food</p>


		 <p>The back cover of the 'pass' promotes Nestlé's Baby Service with toll-free numbers for product information etc.</p>	<p>which is used in connection with baby foods, never with infant formula.</p> <p>This is not a violation of the WHO Code as implemented by the European Union, since advertising baby foods is allowed in the European Union.</p>		
<p><b>98</b></p> <p>IBFAN report p. 20</p>	<p><b>Germany</b></p>	<p>Shops and pharmacies, both online and conventional ones offer huge discounts on a full range of Beba products.</p> 	<p>Nestlé does not offer discounts on starter formula (Beba 1).</p> <p>In order to follow this up, we would need further details in a timely fashion about which shops and pharmacies were offering discounts. We would then be able to contact them and clarify this.</p>	<p>Promotion at point-of-sale</p>	<p>Infant formula</p>
<p><b>99</b></p> <p>IBFAN report p. 20</p>	<p><b>Germany</b></p>	<p>Special offer at a supermarket-buy 2 and get a CD with songs for children free (Beba 2 and Beba 3)</p> 	<p>This special offer relates to follow-on formula and is fully compliant with German legislation as well as the EU Commission Directive 2006/141/EC.</p>	<p>Promotion at point-of-sale</p>	<p>Follow-on formula</p>
<p><b>100</b></p>	<p><b>Greece</b></p>	<p>In Greece, mothers receive information through the mail on Nan 2 that idealises the probiotics</p>	<p>This 2006 booklet is about follow-on formula and complementary food. This does not contain any</p>	<p>Labelling</p>	<p>Follow-on formula</p>

<p>IBFAN report p. 25</p>		<p>content which activates the natural defence of the body and contributes to the prevention of diarrhoea. Further claims were made about how essential fatty acids such as DHA are a component of breast milk, and how they help to regulate the immune system and the development of the brain.</p>  <p>Leaflet contains translation inserted by monitor</p>	<p>information about infant formula.</p> <p>In addition, all information related to the composition of the follow-on formula is factual.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>		
<p><b>101</b> IBFAN report p. 32</p>	<p><b>Greece</b></p>	<p>Booklet sent to mothers of young babies advises weaning at 4 months. It recommends NAN 2, cereals and jarred foods, and includes coupons for discounts from €0.30 to €0.60 on Nestlé products, some for 4 months.</p> 	<p>This 2006 booklet presents Nestlé follow-on formula and complementary food products. This is allowed by the EU Directive.</p> <p>The discount coupons were for such products. No discount for infant formula products was included in this offer.</p> <p>The Commission Directives 2006/141/EC and Greek legislation allow communications and promotions to the general public on follow-on formula and complementary food products.</p>	<p>Promotion to the public</p>	<p>Follow-on formula Complementary food</p>
<p><b>102</b> IBFAN report p. 32</p>	<p><b>Greece</b></p>	<p>Nestlé complementary food in jars are labelled for 4 months, Nestlé Infant Cereal after 4 months – a flyer says this “<i>transition from liquid to solids is called weaning – the most important stage for your baby</i>”.</p>	<p>This refers to complementary foods. Indicating that an infant cereal may be used after 4 months of age is fully in line with Greek legislation and with the EU Directive, and is also in line with the recommendations of the ESPGHAN (European Society for Paediatric Gastroenterology, Hepatology and Nutrition).</p>	<p>Labelling</p>	<p>Complementary food</p>

					
<p><b>103</b></p> <p>IBFAN report p. 32</p>	<p><b>Greece</b></p>	<p>A website ad tells mothers: <i>“Your mothering instinct develops with time. Ours has developed over the last 140 years. Come and see what we have learnt till now.”</i> The monitor who sent in the ad commented: <i>“this ad made me so angry, clearly its intention is to undermine a mother’s confidence in her ability to breastfeed her child”.</i></p>	<p>This refers to a banner statement that was shown on a Nestlé website in December 2008. This communication did not refer to any Nestlé product and is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>N/A</p>
<p><b>104</b></p> <p>IBFAN report p. 21</p>	<p><b>Italy</b></p>	<p>Nidina 1 infant formula was offered for sale at a discounted price in a chain of supermarkets in the Venice and Emilia Romagna Region.</p> 	<p>This promotional activity on infant formula product was carried by one Italian retailer, Ali, on its own initiative.</p> <p>It is against Nestlé Policy and the EU Directive to carry out promotional activities of infant formula.</p> <p>The retailer has been informed that promotional activities of infant formula are against Nestlé Policy and against the European Directive.</p>	<p>Promotion at point-of-sale</p>	<p>Infant formula</p>
<p><b>105</b></p> <p>IBFAN report p. 32</p>	<p><b>Italy</b></p>	<p>Mio apple and pear purée is labelled ‘from 4 months’ and promoted with discounts for fidelity card holders.</p> 	<p>Mio is a complementary food product. In line with Italian legislation and the EU Directive it can be labeled as of 4 months and can be promoted to the general public.</p> <p>This activity is therefore not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion at point-of-sale</p>	<p>Complementary food</p>



<p><b>106</b></p> <p>IBFAN report p. 32</p>	<p><b>Italy</b></p>	<p>Mio has a special display for all its products in supermarkets. It includes products for under 6 months and has discounts.</p> 	<p>This refers to complementary foods. According to the Italian legislation and the EU Directive, complementary foods can be labeled as of 4 months and can be promoted to the general public.</p> <p>This is allowed in the European Union.</p>	<p>Promotion at point-of-sale</p>	<p>Complementary food</p>
<p><b>107</b></p> <p>IBFAN report p. 40</p>	<p><b>Italy</b></p>	<p>A joint venture is set up between the Nestlé Nutrition Institute with FIMP, the Italian Federation of Pediatricians. Starting in 2009, there will be a prize for the family paediatrician who wins an article writing competition.</p> 	<p>Nestlé Nutrition Institute Prize 2010 for family pediatricians was organized by the Italian Federation of Family Pediatricians (FIMP), in cooperation with Nestlé Nutrition Italy. Participants had to send a written scientific contribution about infant nutrition and their curriculum vitae to FIMP secretariat. The winning contributions were determined by FIMP president, SINUPE (Italian Society of Pediatric Nutrition) president, FIMP national referent for nutrition, a neonatologist, and Nestlé Nutrition scientific advisor.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Incentives to healthcare professionals</p>	<p>N/A</p>
<p><b>108</b></p> <p>IBFAN report p. 26</p>	<p><b>Latvia</b></p>	<p>In a medical journal in Latvia, an ad on Nan 1 with the Protect Start logo claims how the product develops the enteral microflora and strengthens the immune system.</p> 	<p>This communication appeared in a scientific journal exclusively read by healthcare professionals. Information contained in this communication is factually and scientifically substantiated.</p> <p>Such information in such a journal is allowed in the European Union.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>



<p><b>109</b></p> <p>IBFAN report p. 37</p>	<p><b>Latvia</b></p>	<p>Nestlé advertises Gerber products directly to parents in the Latvian magazine “my Baby”. Juices and jarred foods: tasty, natural, healthy, from 4 months; the start of a healthy life... Even if the EU Directive does not prohibit this type of promotion, the International Code definitely does.</p> 	<p>This refers to complementary foods. In line with Latvian legislation and the EU Directive, complementary foods can be labeled as of 4 months and can be promoted to the general public.</p>	<p>Promotion to the public</p>	<p>Complementary food</p>
<p><b>110</b></p> <p>IBFAN report p. 32</p>	<p><b>Netherlands</b></p>	<p>Free bottle-fed porridge: get 5, pay 3. Members of the Nestlé Baby club are told they can get 5 packets of PyjamaPapje (late night porridge) and pay only for 3. “In 2008, babies (and their parents) have spent 12 million restful nights thanks to Nestlé Pyjama porridge! so try it also.” Even though this porridge is recommended from 6 to 36 months, it promotes bottle feeding and thus comes under the scope of the Code.</p> 	<p>This refers to a complementary food product intended for babies from 6 months of age. The Dutch legislation and the EU Directive allow promotion of complementary foods.</p> <p>In addition, images of bottles and teats are not prohibited by the Dutch legislation or the EU Directive. Therefore this activity is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Complementary food</p>

<p><b>111</b></p> <p>IBFAN report p. 42</p>	<p><b>Netherlands</b></p>	<p>In the Netherlands, Nestlé gives free samples of complementary foods to mothers who agree to post positive messages about a particular product on their Facebook or Twitter page. It would appear that this type of “social marketing”, also known as “buzzing” is becoming another tool in companies’ arsenal to win consumers.</p>	<p>This relates to samples of NaturNes, a complementary food product, given to mothers so they could try it out and share their frank comments, whether positive or negative, on social media.</p> <p>Giving samples of complementary foods is allowed by the EU Directive and Dutch legislation.</p>	<p>Free supplies / samples</p>	<p>Complementary food</p>
<p><b>112</b></p> <p>IBFAN report p. 33</p>	<p><b>Netherlands</b></p>	<p>Nestlé offers “<i>The complete feeding program</i>” via ‘step-by-step’ booklets, starting from 4 months “<i>NaturNes, the latest generation of small jars</i>”. A free sample is available in supermarkets. “<i>You want the very best for your baby, every day. That’s why there is now: Nestlé NaturNes: naturally delicious</i>”.</p>	<p>This refers to complementary foods. In line with Dutch legislation and the EU Directive, complementary foods can be labeled as of 4 months and can be promoted to the general public.</p>	<p>Promotion to the public</p>	<p>Complementary food</p>
<p><b>113</b></p> <p>IBFAN report p. 31</p>	<p><b>Portugal</b></p>	<p>A Nestlé Baby Club website in Portugal starts from birth: “<i>Chegou o bebé!</i>” (<i>Baby has arrived</i>) and starts with the first months before promoting jars with fruit mixtures as of 4 months. A happy mother and sound sleeping baby make it look as if the very young baby loved its first alternative to milk. (see 5)</p> 	<p>The Nestlé Baby Club website in Portugal does not feature any infant formula product.</p> <p>Information about complementary food products, such as fruit purées, and follow-on formula, is available on the website.</p> <p>This is not a violation of the WHO Code as implemented by the European Union.</p>	<p>Promotion to the public</p>	<p>Follow-on formula Complementary food</p>
<p><b>114</b></p> <p>IBFAN report p. 27</p>	<p><b>Spain</b></p>	<p>In Spain, the weekly <i>El País</i> carried a full-page advertisement for Nidina 2 Premium and Nidina 3 Premium with the heading “<i>Mother instinct, protection instinct</i>” to complement the picture of baby asleep in mother’s loving embrace. The ad vaunts the qualities of pre-biotics, of DHA (omega-3 fatty acids) and ‘optimised protein</p>	<p>This advertisement relates to follow-on formula and is fully compliant with Spanish legislation as well as the EU Commission Directive 2006/141/EC. All statements made about prebiotics, DHA and protein profile are scientifically substantiated.</p>	<p>Promotion to the public</p>	<p>Follow-on formula</p>



		<p>profile.' It projects follow-up formula as necessary: <i>"From birth, the best protection for your baby is mother's milk, to reinforce baby's immune system. When your paediatrician advises you to start follow-on, it is important that you continue giving your baby the best one."</i> Another statement declares <i>"Because we, just like you, are concerned about his feeding to protect him from the first day."</i></p>			
<p><b>115</b> IBFAN report p. 31</p>	<p><b>Spain</b></p>	<p>The <i>Mamá &amp; Bebé</i> magazine in Spain carries several full-page advertisements for Nestlé purées (<i>"new liquid cereals, more advanced"</i>) and Nestlé starter cereals with bifidus, 'from 4 months', as well as promotion of Nestlé Peque Cena, a purée of milk, vegetables and rice to be bottle fed, 'from 4 months'. The ads say nothing about breastfeeding.</p>	<p>The products advertised in this magazine are all complementary foods. Complementary foods are not breast-milk substitutes.</p> <p>The Spanish legislation and EU Directive allow advertisement of complementary foods to the general public.</p>	<p>Promotion to the public</p>	<p>Complementary food</p>

<p><b>116</b></p> <p>IBFAN report p. 27</p>	<p><b>Switzerland</b></p>	<p>In Switzerland, a detachable coupon for deduction of CHF 4 off Beba products when purchased at pharmacies or drugstores, promotes the Beba products which contain the Protect Plus combination of additives.</p> 	<p>As seen on the picture, the deduction coupon is for Beba 2, a follow-on formula. This is in line with Swiss legislation which allows price discounts of follow-on formula.</p>	<p>Promotion at point-of-sale</p>	<p>Follow-on formula</p>
<p><b>117</b></p> <p>IBFAN report p. 33</p>	<p><b>Switzerland</b></p>	<p>Free samples of Nestlé Baby Menu cereals (after 4 months) are available in Swiss pharmacies. The label says that the cereals are mixed with BEBA follow-up formula.</p> 	<p>Nestlé Baby Menu cereals are a complementary food. In line with Swiss legislation, complementary foods can be labeled as of 4 months and samples can be given to the general public.</p> <p>Neither complementary foods nor follow-up formula are covered by Swiss legislation.</p>	<p>Free supplies / samples</p>	<p>Complementary food</p>
<p><b>118</b></p>	<p><b>Switzerland</b></p>	<p>The Midwifery School of St Gallen's hospital in Switzerland launched a colourful illustrated</p>	<p>The calendar in question refers to 'Nestlé Suisse S.A., Vevey' as one of its sponsors. Nestlé Suisse is</p>	<p>Other</p>	<p>N/A</p>


<p>IBFAN report p. 38</p>		<p>Pregnancy Calendar intended for “<i>all pregnant women, couples and others</i>” with sponsorship from Nestlé and other companies.</p>  <p>A pregnancy calendar with sponsorship from Nestlé, Milupa and others.</p>	<p>Nestlé’s Swiss subsidiary.</p> <p>This is not a violation of the WHO Code as implemented by Switzerland.</p>		
<p><b>119</b></p> <p>IBFAN report p. 41</p>	<p><b>Switzerland</b></p>	<p>At the company’s 2010 AGM in Switzerland, the company proudly displayed new Lactogen labels. Disturbingly, Lactogen 2 is indicated as suitable from the 6th month, effectively when the baby is five months old.</p> 	<p>Codex Alimentarius specifically defines follow-up formulae as “<i>a food intended for use as a liquid part of the weaning diet for the infant from the 6<sup>th</sup> month on and for young children</i>” (CODEX STAN 156 -1987, Amended 1989). Nestlé strictly follows and adheres to Codex standards and guidelines unless local regulations mandate a different age positioning.</p> <p>In the case of this concern, the poster in question relates to the label of a new follow-on formula presented to Nestlé shareholders during Nestlé’s 2010 Annual Shareholders’ Meeting.</p>	<p>Labelling</p>	<p>Follow-on formula</p>
<b>NORTH AMERICA</b>					
<p><b>120</b></p> <p>IBFAN report p. 3</p>	<p><b>Canada</b></p>	<p>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</p>	<p>In November 2008, Nestlé Canada received eight comments on infant formula labels from the Canadian Food Inspection Agency. These comments were generated from a 2007 joint initiative between Health Canada and CFIA to review infant formula labels in Canada. Three of the eight comments required minor wording changes to the labels, and these changes were made immediately. For example, replacing the word “enhanced” with the word “enriched”. Four of the five remaining comments were points which we had previously</p>	<p>Labelling</p>	<p>Infant formula</p>

		<p>or diet-related health claims. Facing imminent prosecution, Nestlé made the required changes to three statements buying itself time for negotiation on the other items.</p> 	<p>discussed and resolved with Health Canada, and we provided this clarification to CFIA. The fifth remaining point involved scientific review which had already been underway with Health Canada at the time of the audit, information that we shared with CFIA. The scientific review is now complete, and wording changes to the labels have been made. Nestlé Canada has no outstanding issues with CFIA and is in contact with CFIA and Health Canada on a regular basis. There was never any imminent prosecution related to these issues.</p>		
<p><b>121</b>  IBFAN report p. 12</p>	<p><b>Canada</b></p>	<p>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.</p>  <p>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 breast milk provides the optimal nutrition for baby. Nestlé claimed their consumer research even showed that intent to breastfeed increased</p>	<p>This concern was already raised with Nestlé by INFACT and a response was provided.</p> <p>In this advertisement, the comment "we learned from the best" is placed on the picture of the breastfeeding mother. The comment "so we could give you and baby OUR best" is placed on the picture of a bottle-feeding mother. The word 'our' is specifically chosen to show that the Nestlé formula is "our" best, but not "the" best, which is breastfeeding.</p> <p>In addition in the box on the second page, only breast milk is checked as the optimal feeding choice for baby, clearly conveying its superiority over formula.</p> <p>Prior to finalising this, a survey of consumers was conducted. Consumers correctly interpreted the advertisement to mean that some attributes of the formula were similar to breast milk but not that formula was as good as breast milk. Consumers clearly understood the message that breastfeeding was best and in fact intention to breastfeed increased after viewing the advertisement.</p>	<p>Labelling</p>	<p>Infant formula</p>

		<p>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. An anti-Nestlé public sentiment is bad for public relations.</p>	<p>This is not a violation of the WHO Code as implemented by Canadian legislation.</p>		
<p><b>122</b></p> <p>IBFAN report p. 3</p>	<p><b>USA</b></p>	<p>In a separate development, the US FDA issued a warning in December 2009 to Nestlé for misbranding the Juicy Juice Brain Development Fruit Juice Beverage. The product, marketed for children under two years of age, bears the claims “Helps support brain development” and “no sugar added” in contravention of FDA regulations. The FDA also reviewed Nestlé website, <a href="http://www.juicyjuice.com">http://www.juicyjuice.com</a> and found claims that Juicy Juice Brain Development Fruit Juice Beverage is “naturally lower in sugar”, a claim prohibited for such food. Nestlé was directed to take prompt action to correct the violations.</p>	<p>Juicy Juice 100% juice is a product aimed at children of all ages. The claims mentioned in the FDA letter were truthful. However, in the US, these types of nutrient content claims are not permitted on food intended specifically for children less than 2 years or age. Nestlé voluntarily removed the claims from the packaging. In November 2010, this product was discontinued.</p> <p>This product is not a breast-milk substitute. This is not a violation of the WHO Code as implemented in the USA.</p>	<p>Labelling</p>	<p>Other</p>







<p><b>123</b></p> <p>IBFAN report p. 3</p>	<p><b>USA</b></p>	<p>A similar warning letter was issued to Nestlé for misbranding its Gerber Graduates Fruit Puffs and Gerber 2nd Food Carrots because of use of nutrient content claim which may not be made for foods for infants and children below two.</p>	<p>While the warning letter suggested that the above product is misbranded because the labelling includes unauthorized nutrient content claims (“good source of iron, zinc, and vitamin E for infants and toddlers”) since the product is specifically marketed to children under the age of two years as evidenced by the “crawler” stage also found on the product label, Nestlé’s position is that since Puffs is labelled for and used by both children under the age of four as well as children under the age of two, we do not consider the product to be specifically intended for children under the age of two and, as a result, the restrictions that apply to the use of nutrient content claims for such foods are inapplicable to the Puffs product. Moreover, for the reasons discussed above, we believe that the “good source of iron, zinc, and vitamin E” claim is in full compliance with the FDCA, and FDA regulations at 21 CFR101.13(q)(3)(i).</p> <p>Regarding reported concerns of unauthorized nutrient content claims, the statements contained on the products are accurate, well substantiated, in compliance with relevant regulations and unequivocally true and non-misleading. This product is not a breast-milk substitute.</p> <p>This is not a violation of the WHO Code as implemented in the USA.</p>	<p>Labelling</p>	<p>Complementary food</p>
<p><b>124</b></p> <p>IBFAN report p. 6</p>	<p><b>USA</b></p>	<p>USA: ‘Babymoon’ package promotes formula When expecting couples check in under The Baby’s on the Way 4 Days/3 Nights Babymoon package advertised in the South Carolina Planter’s Inn website, they will receive gifts including a stylish insulated backpack from Nestlé complete with baby formula, a baby bottle and information on infant care.</p>	<p>This concern was already raised by IBFAN and was immediately investigated and responded to by Nestlé.</p> <p>The BabyMoon package was an idea of a PR firm, who were working on behalf of the hotel, and not on behalf of Nestlé. This event was carried out without the knowledge or permission of Nestlé.</p>	<p>Free supplies / samples</p>	<p>Infant formula</p>


		<p>Nestlé claimed that it was not responsible as it was a promotion arranged by the hotel and a public relations agency in New York. This was contradicted by the hotel, which claimed that ‘a formula company’ had contacted the hotel’s PR firm to offer the “backpack with its goodies” free of charge. Whatever the truth may be, Nestlé went on to say that the formula had expired and that it had been removed from the bags. The explanation was disturbing as :</p> <ul style="list-style-type: none"> <li>• giving out samples of formula is a Code violation;</li> <li>• giving expired formula is worse;</li> <li>• giving a backpack constitutes a gift to mothers, which is also prohibited by the Code.</li> </ul>  <p>After protests from several quarters, the hotel realized it was being used as a marketing agent and stopped the free formula. The revised promotional page still welcomes parents-to-be but the paragraph on Nestlé had been encouraged.</p>	<p>Nestlé products had been leftover from a previous event with the PR firm, and were offered for use in the BabyMoon package. However, because some time had elapsed, the formula had passed its use-by date and had been removed from the packs. Expired infant formula was never given to expecting mothers.</p> <p>This is not a violation of the WHO Code as implemented in the USA.</p>		
<p>125 IBFAN report p. 13</p>	<p>USA</p>	<p>One of the ways the re-branded Gerber Good Start Formula (formerly Nestlé Good Start) is promoted under the ominous Start Healthy, Stay Healthy campaign is by partnering with House.Party. com. Visitors can sign up on the website to seek out brands they would like to evaluate. House Party then selects hosts to hold</p>	<p>In the US, events like house parties are acceptable and becoming increasingly common. Participants both host and attend parties and actively request invitations to events, where they know they will receive samples, coupons.</p> <p>Nestlé did not influence or dissuade women who</p>	<p>Promotion to the public</p>	<p>Infant formula</p>

		<p>parties and sends boxes of goodies for the host, their friends, family and neighbours to try out. Gerber boxes include gifts like backpacks, changing mats and coupons for free formula.</p> 	<p>intended to breastfeed, or who were interested in breast feeding. Specifically:</p> <ul style="list-style-type: none"> <li>- We provided party hosts with breastfeeding support and educational materials, and a Start Healthy, Stay Healthy Nutrition Guide.</li> <li>- We only allowed women who had expressed a desire to exclusively formula feed to host a house party.</li> <li>- Although permitted in the USA, we refused to sample any infant formula at the house party, and used a single can of formula as a product display.</li> <li>- Mothers were encouraged to contact our Parents Resource Center and speak with one of our trained Registered Dieticians or Lactation Educators to learn more about breastfeeding and nutrition for their baby.</li> <li>- For mothers who were interested in learning more about our infant formula, we did provide a coupon.</li> </ul> <p>This is not a violation of the WHO Code as implemented by the USA.</p>		
<p><b>126</b> IBFAN report p. 13</p>	<p><b>USA</b></p>	<p>A Gerber Good Start TV ad celebrates its name change with the slogan “Welcome to the Gerber Generation”. The ad shows a baby looking in wonder at scientific formulations. With a wave of his hand, the text ‘probiotics’ flows into a tin of Good Start. The voice-over makes a hard sell about how Gerber is supposed to have made a scientific breakthrough and how “the immune supporting probiotics like those found in breast milk can now be found in Gerber Good Start Protect Plus”.</p>	<p>In the USA, TV advertisements for infant formula are allowed by law.</p> <p>Gerber communications are aimed at helping mothers and fathers understand the importance of feeding their babies properly, right from the start. To accomplish this goal, we encourage parents to learn more about our science-based Start Healthy, Stay Healthy Nutrition system, which provides parents with educational resources, tools, and services. One of the basic principles of the Start Healthy, Stay Healthy Nutrition System, as well as other advertising and messaging, including the Gerber.com website, is to encourage and</p>	<p>Promotion to the public</p>	<p>Infant formula</p>



			<p>recommend mothers to breastfeed, and support breast milk as the ideal nutrition for her baby.</p> <p>Our communications, and this TV commercial, are not a violation of the WHO Code as implemented by the USA.</p>		
<p><b>127</b></p> <p>IBFAN report p. 13</p>	<p><b>USA</b></p>	<p>The name Nestlé Good Start can still be found on some promotional materials from 2009. In the internet ad (see right), every single major provision of the Code is being broken. Firstly, the product is being promoted as a “A ‘great’ START for your infant”. Second, it is being idealised by the image of a happy, healthy baby and the text which describes the formula as containing “nutrients naturally found in breast milk”. Third, mothers can receive the formula for free.</p> 	<p>The information found on this website is consistent with US law.</p> <p>In order to ensure that information on the US website is not available to non-US residents, a filter is applied to the Nestlé Nutrition and Gerber internet sites. Without a US residence, internet users cannot access the site.</p> <p>This is not a violation of the WHO Code as implemented in the USA.</p>	<p>Promotion to the public</p>	<p>Infant formula</p>
<p><b>128</b></p> <p>IBFAN report p. 13</p>	<p><b>USA</b></p>	<p>The WebMD magazine published hard copies targeting new parents. Obstetricians and pediatricians received hundreds of unsolicited copies in the mail to place in their waiting rooms. The 10-page magazine is actually one long commercial for Gerber infant formula. A short sidebar describes breastfeeding as problematic. Readers are referred to WebMD’s online baby centre which is completely funded by Nestlé and inundated with ads for Gerber formula.</p>	<p>In the US it is acceptable to provide information about infant formulas in publically available documentation and on internet sites.</p> <p>These magazines were sent to healthcare professionals to use as they saw fit. Evidently these healthcare professionals considered that the magazine offered sufficiently valuable information to make them available to mothers and the general public.</p>	<p>Promotion to the public</p>	<p>Infant formula</p>

			<p>This is not a violation of the WHO Code as implemented by the USA.</p>		
<p><b>129</b> IBFAN report p. 39</p>	<p><b>USA</b></p>	<p>The official online publication of the American Academy of Pediatrics surprised many supporters by carrying a Nestlé advert for probiotics (Good Start formula) on the table of the contents page of its May 2008 volume. The ad also encourages professionals to register on the company’s website (and win a free wireless computer mouse). The website allows registered doctors to order free “product samples, printouts for parents and nutrition tools for your practice”. Even though the ad is only valid in the USA, the AAP journal reaches professionals on all continents.</p> 	<p>Providing healthcare professionals with product samples, information for parent and tools for their professional use is not a violation of the WHO Code as implemented in the USA.</p>	<p>Promotion in healthcare facilities / to healthcare professionals</p>	<p>Infant formula</p>

OCEANIA					
<p><b>130</b></p> <p>IBFAN report p. 6</p>	<p><b>Australia</b></p>	<p>Australia: My mummy got the right formula If you cannot advertise blatantly, the next best thing is to be calculatedly ambivalent about the product you are pushing. This Nestlé advertisement from Australia is an excellent example of how sellers can bypass advertising restrictions. Zoom in on the ad. The double entente becomes quickly apparent with the slogan emblazoned on the bib “My mummy got the right formula”. As breast milk is never referred to as a ‘formula’, it becomes quite obvious it is a Nestlé infant formula, even if no mention is made of the brand. Nestlé denied that the ad is a violation as it “clearly highlighted the benefits and superiority of breastfeeding”. What the ad (since stopped) actually did, was to compare Nestlé infant formula favourably with breast milk claiming that it has all the essential vitamins and minerals, naturally boosts the immune system, helps protect from diarrhoea, etc.</p> 	<p>This concern was already raised with Nestlé Australia. A response was provided to the Australian Breastfeeding Association.</p> <p>The advertisement in question did not make reference to any of our product brands, and thoroughly and clearly highlighted the benefits and superiority of breastfeeding. This information is prominently covered in the body of the communication and in the breastfeeding statement.</p> <p>The Advisory Panel on the Marketing in Australia of Infant Formula (APMAIF) is the formal compliance monitoring body established by the Australian Government Department of Health and Ageing. It confirmed in a letter dated 5 June, 2009 that the article in question did not breach the APMAIF Agreement and thus is not a violation.</p> <p>Nestlé brought the MAIF decision to the attention of the Australian Breastfeeding Association. Nestlé also offered to discuss the matter further if the ABA so wished.</p> <p>This is in line with the WHO Code as implemented in Australia.</p>	<p>Promotion to the public</p>	<p>N/A</p>



## CHARTER

### Nestlé Infant Formula Policy

Breastfeeding is best for babies. Henri Nestlé stated this soon after founding our company in 1867. This principle still forms the cornerstone of our Infant Formula Marketing Policy. We are committed to serve the best interests of mothers and babies around the world.

We adhere to all national government measures implementing the WHO Code globally. In higher-risk countries (1), we voluntarily and unilaterally apply the WHO Code whether or not national regulations exist.

#### IN HIGHER-RISK COUNTRIES, NESTLÉ:

- DOES** comply with both the letter and the spirit of the World Health Organisation's International Code of Marketing of Breast-Milk Substitutes as well as with national regulations giving effect to the WHO Code when these are stricter
- DOES** support WHO's global public health recommendation calling for exclusive breastfeeding for six months and introduction of safe and appropriate complementary foods thereafter
- DOES** encourage continued breastfeeding up to two years or beyond after introduction, after six months of age, of safe and appropriate complementary foods
- DOES** include a statement on the superiority of breast milk on all infant formula products and information material to health professionals (2)
- DOES** warn mothers of the consequences of incorrect or inappropriate use of infant formula (2)
- DOES** believe that there is a legitimate market for infant formula (3) when a safe alternative to breast milk is needed
- DOES** believe that parents have the right to choose how their babies are to be fed on the basis of adequate and objective information
- DOES** support efforts by governments to implement the International Code through legislation, regulation, or other appropriate measures
- DOES** carry out internal and independent external audits on WHO Code compliance
- DOES** investigate and respond to all allegations of non-compliance

<b>DOES NOT</b>	advertise or promote infant formula and follow-on formula for infants up to 12 months to the public
<b>DOES NOT</b>	market complementary foods and drinks for infants younger than 6 months
<b>DOES NOT</b>	permit staff whose responsibilities include the marketing of infant formula to make direct contact with mothers, except in response to consumer complaints
<b>DOES NOT</b>	use pictures of babies on its infant formula packs
<b>DOES NOT</b>	distribute free infant formula samples to mothers
<b>DOES NOT</b>	allow educational material relating to the use of infant formula to be displayed publicly in hospitals and clinics
<b>DOES NOT</b>	give financial or material incentives to health professionals for the purpose of promoting infant formula
<b>DOES NOT</b>	donate free infant formula to health care facilities for use by healthy new born babies. Free infant formula may exceptionally be given to bona fide social welfare institutions upon their request to serve social or humanitarian purposes (e.g. where the government policy allows manufacturers to respond to a specific social request, for example if the mother dies in child birth)
<b>DOES NOT</b>	give incentives to its staff based on infant formula sales
<b>WILL</b>	take disciplinary measures against any Nestlé personnel who deliberately violates this policy

**Nestlé invites government officials, health professionals, and consumers to draw to its attention any Nestlé infant formula marketing practices in higher-risk countries which they consider are not in conformity with the above commitment.**

(1) The designation of a country as a higher-risk country is based on reliable data on levels of mortality and rates of acute malnutrition of children under 5 years of age in a country.

(2) See on next pages information printed on all Nestlé infant formula labels, educational materials intended for mothers, and on documentation for health professionals.

(3) Breast-milk substitutes manufactured in accordance with strict international quality standards to be suitable as the sole source of nutrition for a baby during the first 6 months of life, and all follow-on formula for use by infants from 6 to 12 months of age (the International Code does not apply to weaning foods, see Code Articles 2, 10.2 and Annex 3).

#### INFORMATION PRINTED ON ALL INFANT FORMULA LABELS

**Important notice:** Breast milk is best for babies.

Before you decide to use an Infant Formula, consult your health professional for advice.

**Warning:** Unboiled water, unboiled bottles or incorrect dilution can make your baby ill. Incorrect storage, handling, preparation and feeding can potentially lead to adverse effects for the health of your baby.

**Warning:** Only prepare one bottle at a time. Feed immediately and follow the instructions exactly. Do not keep unfinished bottle, discard the contents. Always hold baby while feeding. Leaving baby unattended may cause choking.

#### INFORMATION FOR HEALTH WORKERS

Printed on all Materials Intended for the Medical and Paramedical Professions

**Important Notice** The World Health Organization (WHO\*) has recommended that pregnant women and new mothers be informed of the benefits and superiority of breast-feeding – in particular the fact that it provides the best nutrition and protection from illness for babies.

Mothers should be given guidance on the preparation for, and maintenance of, lactation, with special emphasis on the importance of a well-balanced diet both during pregnancy and after delivery. Unnecessary introduction of partial bottle-feeding or other foods and drinks should be discouraged since it will have a negative effect on breast-feeding. Similarly, mothers should be warned of the difficulty of reversing a decision not to breast-feed.

Before advising a mother to use an infant formula, she should be advised of the social and financial implications of her decision: for example, if a baby is exclusively bottle-fed, more than one can (450g) per week will be needed, so the family circumstances and costs should be kept in mind. Mothers should be reminded that breast milk is not only the best, but also the most economical food for babies.

If a decision to use an infant formula is taken, it is important to give instruction on correct preparation methods, emphasizing that unboiled water, unboiled bottles or incorrect dilution can all lead to illness.

*\* See: International Code of Marketing of Breast-milk Substitutes, adopted by the World Health Assembly in Resolution WHA 34.22, May 1981.*

## **IMPORTANT ADVICE FOR MOTHERS**

Printed on Educational Materials Intended for Mothers (through Health Professionals)

### **Breast-feeding**

Breast-feeding provides the best nutrition and protection from illness, for your baby. For most infants, breast milk is all that is needed for the first 6 months of life. Many mothers continue to breast-feed after 6 months and then give other foods as well. For advice on breast-feeding, consult your doctor or any other health professional, or a friend or relative who has successfully breast-fed. Frequent feeding is the best way to establish and maintain a good milk supply. A well balanced diet, both during pregnancy and after delivery, also helps sustain an adequate supply of breast milk.

### **Advice especially for the working mothers**

Your baby can still receive the benefits of breast milk even if you go out to work. Partial breast-feeding is better than bottle-feeding completely, so continue to breast-feed even after you have been advised to give other foods. If you sleep with your baby, he will breast-feed during the night without disturbing you. Before you leave home in the morning and again when you return, breast-feed your baby. When mixed feeding, always offer the breast before giving other foods.

*Remember: Breast milk is the best and most economical food for your baby.*

### **Seek advice**

The use of foods which are not intended for young babies can be harmful. Unnecessary introduction of partial bottle-feeding or other foods and drinks will have a negative effect on breast-feeding. Therefore always consult a health professional before introducing anything other than breast milk.

### **Using a breast-milk substitute**

If a doctor or another health professional recommends an addition to breast-feeding, or its replacement, during the first 6 months of life, it is preferable to use an infant formula meeting recognized quality standards.

When used correctly this supplies the nutritional needs of your baby. You will need more than one can (450g) per week if your baby is only bottle-fed, so keep your family circumstances and costs in mind before deciding whether to use infant formula.

As soon as your baby is old enough, feed infant formula with a cup and spoon.