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Formula for profit seen as recipe for disaster

Connie Levett Herald Correspondent in Manila
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THE T'boli tribal women in the remote hills of Mindanao, in the southern Philippines, are confused by the message that they should shun baby formula for breast milk.

That is not what the advertising says. Often, it's not what their doctors and midwives say. But when they hear that formula, far from improving their baby's health or intellectual development, may in fact increase the likelihood of disease, they are angry.

The World Health Organisation estimates 16,000 babies a year die in the Philippines as a result of a decline in breastfeeding. Today, only 16 per cent of children at four to five months are exclusively breastfed, down from 25 per cent in 1998.

The international benchmark is for exclusive breastfeeding until six months and continuous breastfeeding until two years. "The aspiration [of the T'boli] was if they had money, they would buy the milk, because every night they see milk advertisements on television," said breastfeeding campaigner Ines Fernandez.

In a country where UNICEF estimates 20 to 30 per cent of children are malnourished, the organisation sees breastfeeding as an essential tool in the fight against disease. "Breastfeeding is a hallmark of child health. It's a magic bullet in child survival.

"There is an ocean of evidence now that you can prevent disease, surround the child in a hygienic cocoon," said Dale Rutstein, UNICEF's spokesman in Manila.

Ms Fernandez's civil society group, Arugaan, with the Philippines Department of Health, is locked in a legal battle with the powdered milk industry to tighten regulations on false advertising and distribution of infant formula.

Tough new implementing regulations for the 1986 Milk Code were introduced last July by the Department of Health after several years of consultation with industry and community groups, UNICEF and the WHO.

The new rules include a ban on the advertising and promotion of milk substitutes for children up to two years old, with an absolute ban on false health and nutritional claims. "The new rules would restrict entry of infant formula and sample products into hospitals," said Alex Padilla, an undersecretary at the Ministry of Health. "It will not prohibit ads but prohibit false ads that claim things like drinking this formula will produce geniuses who are loveable and affectionate."

Not surprisingly, the baby formula companies, including Mead Johnson, Wyeth and Abbott Laboratories, are unwilling to give up a lucrative market.

Represented by the Pharmaceutical & Healthcare Association of the Philippines, they appealed in the

Philippine Supreme Court, arguing that the Health Ministry had overstepped its bounds and the new rules constituted a restraint of trade. When that failed, the International Formula Council lobbied the Philippine embassy in Washington, and in Manila the US Chamber of Commerce petitioned the President, Gloria Macapagal Arroyo.

The letter, from the chamber's president, Thomas Donohue, said the new regulations "treat infant formula as a potential health hazard by requiring warning labels without any scientific justification, a step which would needlessly alarm potential consumers". It said that "if regulations are susceptible to amendment without due process, a country's reputation as a stable and viable destination for investment is at risk".

Days later, the Pharmaceutical & Healthcare Association of the Philippines filed a motion to reconsider and the Supreme Court granted a temporary restraining order. Milk formula is the biggest-selling consumer product in the Philippines, an industry worth 21 billion pesos (\$552 million) a year, more than beer or mobile phone cards.

Although the head prosecutor, Nestor Ballacillo, and his 12-year-old son were shot dead in early December while waiting for public transport near their house, the case continues. The Pharmaceutical & Healthcare Association of the Philippines would not comment on the case for this story. "Our lawyers have advised us not to issue statements that could jeopardise the case," the association's Eufe Tantia said.

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