

# VI

## THE NESTLÉ BOYCOTT CONTINUES....<sup>viii</sup>

*... in a world in which it is more and more difficult for governments to call multinational corporations to account, it is vital we establish the precedent that a chief executive can be put on trial for the wrongdoings of his (always "his" I'm afraid) company, it stands to reason that managers are going to think longer and harder before taking an unethical decision if they know they might be personally prosecuted for it.*

– "In the Dock" on Helmut Maucher,  
The New Internationalist, 1998

<sup>viii</sup> Based on Baby Milk Action Updates

By 1989, Ireland, Finland, Mauritius, Mexico, Norway, Sweden, and UK joined the Nestlé Boycott. In Philippines, Nestlé, Abbott-Ross, Wyeth and Mead Johnson were found using inaccurate and misleading information to persuade the government to change a pro-breastfeeding bill, promoting a national boycott against them, launched at IBFAN's International Forum held in Manila to celebrate 10 years of IBFAN.

In 1990, Nestlé Boycott was launched in France, with Switzerland and Australia joining it the next year. In Japan, a boycott was called against Japanese companies violating the Code - Meiji, Morinaga, and Snow Brand. In 1993, Nestlé Boycott spread to Italy, Luxembourg, Spain and

Turkey bringing the total number of countries to 18. Russia and then Bulgaria joined the Boycott in the late '90s. Today national groups in 20 countries are participating in the Nestlé Boycott.

### ***The How and Why of the Boycott: demands and strategies***

While the demand to stop free and low cost supplies to hospitals was a primary objective of the Boycott in 1988, monitoring compliance with the Code showed that Nestlé and the other baby food manufacturers were breaking almost all the stipulations of the Code. Thus the Boycott made a single demand

### ***Nestlé overreact as boycott is launched in Switzerland***

Nestlé... filed a complaint against the three national Swiss TV stations for biased reporting in screening Yorkshire TV's *Vicious Circles* and Australian TV's *Formula Fix*.... The programmes which were screened the day before the Swiss Boycott was launched, document the consequences of marketing of baby milk by Nestlé and other companies in Pakistan and the Philippines. The films were shown after Nestlé had made repeated attempts to intimidate the stations into withdrawing them. For a country with a unique protection of personality law which prohibits criticism of a Swiss company, the films amounted to heresy.

During a debate between Nestlé spokesperson Francois Perraud and Dr. Juan Perez from the Philippines, Nestlé's defence was superficial, maintaining that not

only did their formula save babies' lives, but that breastfeeding has no relationship to infant mortality rates. Nestlé's reaction backfired and stimulated the interest of the Swiss press, which reacted skeptically to the company's protestations. WHO representatives challenged Nestlé's claims on the quality of the TV programmes saying, "To infer... that breastfeeding is not important in reducing the risk of mortality in infancy is absolutely incorrect from the scientific point of view."

Referring to Nestlé's case against AgDW in the 1970s, Nestlé shareholders wrote to Nestlé President Helmut Maucher, expressing concern at the company's response to the programmes: "We thought this type of reaction, of playing down the facts and of profession a perfectly clean conscience had been relegated to the museum of the seventies, at the famous Bern court case..."

– from *Baby Milk Action Update*, Summer 1991

- Nestlé ends its irresponsible marketing of breastmilk substitutes worldwide and abides by the International Code of Marketing Breastmilk Substitutes and subsequent Resolutions in policy and practice.

Multiple strategies have been devised to meet this objective. They include strategies that focus on Nestlé, as well as strategies to assist governments implement the Code as law.

- Internationalise the Boycott
- Closely monitor Nestlé's (and other companies') Code compliance for violations
- Work to create negative publicity which will increase Nestlé's expenses on developing and implementing anti-boycott strategies including the rebuilding of their image.
- Target a single product of Nestlé - Nescafe. Nescafe was Nestlé's most popular and well known product, and sales would hurt. Also there were alternatives that people could drink.
- Get endorsements from religious bodies to increase both the constituency as well as the legitimacy of the Boycott

### **Nestlé Boycott tops poll**

In December 1997, *Ethical Consumer* magazine declared the Nestlé Boycott as the most popular consumer boycott in UK. The results of a survey conducted by the magazine showed that of those readers who expressed a preference for their boycott choice, 78% named Nestlé. McDonalds was the second favourite target, named by 34%.

- Make violations known in shareholders' meetings, and try and get Nestlé to admit to violations/changes in policy made as a result of the Boycott
- Widely disseminate information about the Boycott as well as of the benefits of breastfeeding
- Widely disseminate status of Code legislation in countries around the world.
- Work with students at the school and university levels to encourage both an understanding of ethical marketing and their participation in the Boycott.

### **Nestlé breaks the rules**

#### ***Pediatricians at sea - Nestlé's "scientific conference"***

Nestlé Brazil organised a 'scientific conference' for pediatricians aboard a cruise liner sailing between Recife and Rio in March 1993. The ship's luxury was promoted in a glossy leaflet as "one of the most modern in the world - a real five-star hotel with restaurants, bars, casino, theatre, cinema, shopping centre, library, conference rooms, swimming pool, hydro-massage, sauna and games rooms". Nestlé distributed up to 400 free tickets (costing US\$1042 each) by drawing lots in pediatric services. A doctor who refused his ticket wrote: Nestlé is duping those doctors and proving its contempt and insensitivity towards Brazil's children.

IBFAN's publication, 1994 - the result of monitoring in 74 baby food and bottle manufacturers in 62 countries, showed that no company complied fully with the Code; Nestlé once again topped the list. Nestlé replied, a few days before the November meeting of the Synod in UK,

with a detailed report consisting largely of justification and denial. It appeared to be written for the Synod meeting, as a paper giving some of the responses was posted to all the Synod members. In the report, Nestlé admitted and attempted to justify the practices described in 91 cases of baby milk marketing and 64 cases of baby food marketing. It claimed, for example that the chauffeur driven vehicle given to health workers in the Philippines was not only a normal courtesy in virtually all Third World settings, but often a necessity for meetings."

The Interagency Group on Breastfeeding Monitoring (IGBM), a coalition of 27 UK church, academic and development organisations, commissioned research in Bangladesh, Poland, South Africa and Thailand to "obtain objective evidence of violations of the International Code". By quantifying the scale of violations, the research sought to inform the debate about whether the Code is being observed. The four countries were selected because of the contrasts they offer in geography, economics and level of Code implementation. The resulting report, entitled *Cracking the Code*, showed how baby milk companies, led by Nestlé, Nutricia, Mead Johnson and Gerber, gave negative information about breastfeeding to mothers, free samples and free supplies, and inducements, visited mothers; information violating the code was found in retail outlets and the media in all countries. The report concluded:

*The research proves that many companies are taking action which violates the Code, and in a systematic rather than one-off manner..... a strong correlation was found in all four countries between the proportion of mothers who received negative information associated with a company name and the proportion who bottle fed their infants.*

1986

IF: 301 A

The Nursing Journal of India?

# Lactogen 2-step infant feeding programme:

Nestlé offers two LACTOGEN formulas that constitute one unique infant feeding programme.

## Two excellent products...

**Lactogen Infant Formula with iron. Upto 6 months.**

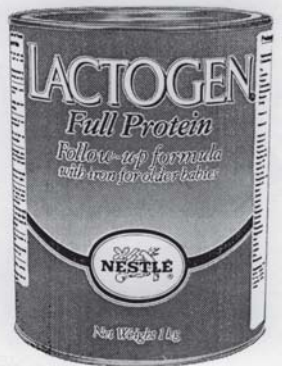
Contains a unique blend of 80% milk fat and 20% vegetable fat (corn oil). As a result, a linoleate level of 12.8% of total fat is achieved which is very close to the mean level in breast milk. This also conforms to ICMR recommendations.

**Lactogen Full Protein. 6 months onwards.**


Reformulated Lactogen Full Protein with 80:20 fat mixture complements less nutritious weaning foods and provides essential nutrients in quantities not contained in unmodified bovine milk. Addition of corn oil achieves an optimal linoleate level for all-round development.

## ...now have labels to match

The new, bi-lingual labels are a result of world-wide testing by Nestlé. Comprehensive and illustrated in colour, they highlight the superiority of breast milk, provide guidelines to mothers for the safe use of the formula as well as information for the specific interest of health professionals.



**IMPORTANT NOTICE**  
The World Health Organisation (WHO) has recommended that pregnant women and new mothers be informed of the benefits and superiority of breastfeeding—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 breastfeeding. Similarly, mothers should be warned of the difficulty of reversing a decision not to breastfeed.  
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.

Information for the medical profession only.  
For any further information please write to:  
Food Specialities Limited  
M 5A, Connaught Circus  
New Delhi-110 001.  




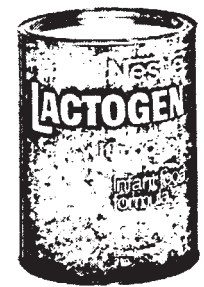
Have you seen this ever smiling baby on TV? He is a lively, healthy and happy baby, growing with the help of Lactogen with Honey Infant Milk Powder.

# Help your baby grow healthy and happy. Give him Lactogen with Honey.

**Mother's Milk is always best for your baby but when breastfeeding is no longer possible, or when your breast-fed baby is growing so fast that he needs extra feeds, give him Lactogen with Honey and help him grow healthy and happy.**

**Correctly balanced food**  
Lactogen with Honey is specially prepared by Nestlé's child nutrition experts. It contains the correct balance of basic foods like proteins, fats and carbohydrates. It is enriched with essential vitamins, minerals and iron. And it contains natural honey that babies love.

**Easy to prepare**  
Lactogen with Honey is so easy to prepare too. Just make sure your hands and all the feeding utensils, bottle, teat and cap are really clean before you prepare his feed, according to the instructions on the leaflet in the tin. Always follow the mixing instructions on the feeding table or as advised by your Doctor or Nurse. And remember do not keep leftovers in the feeding bottle for the next feed. Drink it yourself or give it to other children.  
Help your baby grow healthy and happy — the way you want him to. Give him Lactogen with Honey and see how he smiles.



The baby pictured in this 1978 ad is the winner of a Nestlé-sponsored baby show in Malaysia, and the caption under the photo asks, "Have you seen him on TV?" The product, Lactogen with honey, is unique to Malaysia, where the Chinese population sets great store by honey.



# BABY SAFETY TIPS



**I'M GOING TO CHECK THE HOUSE OUT FOR BABY SAFETY**

**NEVER LEAVE BABY ALONE ON CHANGING TABLE**

**READ THE LABEL EACH TIME YOU GIVE BABY MEDICINE**

**DON'T PUT PILLOWS, LARGE OR FLOPPY TOYS, OR LOOSE PLASTIC SHEETING IN CRIB**

**NEVER LEAVE BABY ALONE IN THE TUB...IGNORE TELEPHONES AND DOORBELLS**

**KEEP ALL MEDICINES, PILLS, ETC., SECURE AND OUT OF BABY'S REACH**

**ALL WINDOWS SHOULD HAVE WINDOW GUARDS**

**USE ONLY FLAME-RESISTANT CLOTHING AND BEDDING**

**INSTALL SAFETY GATES CORRECTLY**

**TEST WATER WITH ELBOW PRIOR TO BATHING TO PREVENT SCALDING BABY**

**CRIB SLATS SHOULD BE NO MORE THAN 2 3/8" (6.03 CM) APART**

**CLEAN UP SPILLS IMMEDIATELY TO PREVENT FALLS**

**NEVER LEAVE BABY ALONE WITH SMALL CHILDREN OR PETS**

**KEEP ALL PLANTS OUT OF BABY'S REACH**

**MATCHES SHOULD BE WELL OUT OF BABY'S REACH**

**PLASTIC BAGS SHOULD BE DISCARDED WHERE POSSIBLE OR STORED WELL OUT OF BABY'S REACH**

**KEEP BABY AWAY FROM WORKSHOP, DRIVEWAYS, AND GARAGE AREAS**

**TEST FORMULA TEMPERATURE ON YOUR WRIST BEFORE FEEDING BABY**

**LOCK UP CLEANERS, INSECTICIDES, AND POISONOUS SUBSTANCES**

**KEEP SMALL, SHARP OBJECTS OUT OF BABY'S REACH AND OFF THE FLOOR**

**OPENINGS OF MESH IN PLAYPEN SHOULD BE LESS THAN 3/4" ACROSS**

**SECURE ALL SMALL OR SCATTER RUGS TO FLOOR WITH CARPET TAPE**

**NEVER LEAVE BABY UNATTENDED IN CAR**

**ALWAYS SECURE BABY IN AN APPROVED CAR SEAT**

**USE PROPER SAFETY BELTS IN HIGH CHAIR**

**CAP OR COVER UNUSED ELECTRICAL OUTLETS AND SECURE ELECTRICAL WIRES**

**IS YOUR HOUSE BABY-SAFE?**

**Wyeth PROMIL**

**Partners in infant nutrition**  
**WYETH-AYERST INTERNATIONAL INC.**  
 PHILADELPHIA, PA 19101 U.S.A.

©1993, Wyeth-Ayerst International Inc. All rights reserved.  
 Printed in U.S.A. March 1993

### **Nestlé's reaction to IGBM**

On the day the report was launched, before even seeing a copy, a Nestlé spokesperson announced on the BBC World Service that the company would not "accept reproaches from self-appointed groups". In the *Church Times*, Nestlé said: "The position of the company is not changed by research. We promised the (Church of England) Synod that the company would adhere to the Code.... We stand by this promise."

A week later, as reported in the *British Medical Journal* was "We take this report seriously."

In 1998, IBFAN published latest monitoring report, *Breaking the Rules, Stretching the Rules 1998*, based on interviews with mothers and health professionals and surveys of health care facilities and retail outlets in 39 countries. The survey, carried out between January and September 1997, showed every major infant food manufacturer failing to comply with many of the provisions of the Code and Resolutions. Companies were entering into private agreements with health care facilities to supply them with free formula as and when needed. They were providing health professionals with gifts such as membership to Club Med, gold jewellery and sponsored conferences. Follow on milks, such as Nestlé's Nan 1 and Nan 2, Lactogen 1 and Lactogen 2, were being promoted heavily. Companies had in fact gone one step further and were promoting milks for pregnant and lactating women. They were also advertising heavily on the internet. Neither labeling nor giving product

# Now Dad can give baby all the goodness of mother's milk.

## Nan contains the vitamins and minerals found in breast milk.

Nothing can ever quite replace your own breast milk and mother's milk will always be the best thing for baby.

Don't be too upset if you cannot feed baby yourself, though. You can give him Nan, and be sure that he is getting all the nourishment, all the vitamins, all the minerals that he needs for happy, healthy growth.

And when the time comes to stop feeding baby yourself, you can trust your baby to Nan. Nan is so safe and easy to use. You can even let Dad do a little mothering too!

### Nestlé. The most trusted name in infant feeding. **NESTLÉ**



information complied with the Code. The industry responded to the report in various ways. In Europe, press releases and letters attacking it were issued, while in Brazil, Nestlé offered to sponsor the report.

*Breaking the Rules 2001*, which was released on the 20<sup>th</sup> anniversary of the International Code, informs that since the last report in 1998, there has been an increase in company malpractices such as donating free supplies, internet advertising and direct promotion to mothers. Nestlé was found once more to be the top violator of the Code.

*Breaking the Rules 2004* took into account evidence collected between January 2002 and April 2004. In all, 3 000 reports from 69 countries were received, and the lion's share involved Nestlé. The publication is full of incontrovertible evidence which proves beyond a doubt

that, contrary to its official company line, Nestlé is in flagrant violation of the International Code of Marketing of Breast-milk Substitutes, and is aggressively marketing its infant feeding products with shocking disregard for infant health.

Nestlé's prolific violations fill close to 20 pages of the publication. Included is evidence that Nestlé tries to get hospital workers to promote its unsafe products. Pictures are shown of nurses in Venezuela wearing aprons donated to them by Nestlé which are covered with the Nestlé logo and Nestlé cartoons. Prescription forms with the Nestlé logo distributed in Armenia are also pictured. According to the report, the prescriptions are given to mothers to take to pharmacies where they purchase whatever Nestlé product is prescribed. Armenian doctors then get a commission, reportedly 10% of the sale.

More dubious advertising is also exposed. The report shows a brochure from Thailand which on the outside appears to be promoting breastfeeding as a baby and breast are shown on the cover. But once the brochure is opened, there is nothing but pictures of Nestlé formula!

*Breaking the Rules 2004* provides evidence that in countries all over the world, Nestlé recommends its infant cereal be used well before it is healthy for babies to be eating solids. Many Nestlé infant cereals are labeled for use at four months, when the company knows full well that the World Health Organisation has stated unequivocally that babies should have nothing but breastmilk for 6 months. Introducing solids any earlier has an adverse effect on the child's health, but raises Nestlé's sales.

The report also shows that Nestlé provides misleading information to the public about breastfeeding, promotes foods that are not suitable as breastmilk substitutes as being so, and makes untrue claims about the health benefits of its products.

## ***The Churches join the Boycott***

An important strategy of Nestlé has been to use religious connections to create the impression that the company has a charitable aim and is a leader in "ethical" marketing. Thus an important counter-strategy of the Boycott has been to seek church endorsements.

Calling on Nestlé to end free supplies, the General Synod of the Church of England endorsed the Nescafe Boycott on 15<sup>th</sup> July, 1991, thus for the first time in its history, joining a consumer campaign. Nestlé accused the Synod of being misinformed "by propaganda disseminated by an activist group", and sent a letter

### ***IBFAN RECEIVES THE RIGHT LIVELIHOOD AWARD***

In 1998 IBFAN received the Right Livelihood Award, also known as the Alternate Nobel Prize. The Right Livelihood Award was founded in 1980, "to honour and support those offerings practical and exemplary answers to the most urgent challenges facing us today". At a ceremony at the Swedish Parliament, IBFAN was given the Award "for its committed and effective campaigning over nearly twenty years for the rights of mothers to choose to breastfeed their babies, in the full knowledge of the health benefits of breastmilk, and free from the commercial pressure and misinformation with which companies promote breastmilk substitutes."

presenting their case to 14,000 Anglican clergy. A debate began within the Synod on whether to sell Nestlé shares worth £1.6million, or keep them in order to exert influence.

In the meantime, the Reformed Church, also a supporter of the Boycott, sold its Nestlé shares, stating "by selling these shares, the WARC (World Alliance of Reformed Churches) associates itself with (the Nestlé Boycott) as a gesture of solidarity."

The State Church in Sweden joined the Nestlé Boycott with some hard hitting statements in 1993. 95% of the Swedish population is born into the church, which previously had not taken a strong stance on social issues.

In a newspaper article entitled "The new commandment from the church – Thou shalt not drink Nescafe", vicar Bengt Lindwall was asked what he thought Jesus would have thought of Nestlé, to which he replied "I am convinced that (Nescafe) is damned." The church is focusing its campaign on Nescafe, but is also targeting After Eights and Lancôme.

In Australia, the Anglican Synod of South Australia, the University of Western Australia and the Australian National University Union are also part of the Nestlé Boycott.

## ***Nescafe's UK sales dip***

UK sales of Nescafe fell by 3% in the year after the Synod joined the Boycott. This drop in sales represented nearly half a million kg (5 million 100g jars) or between £5.5 and £8million. At the same time, Nestlé increased the

### ***Buying loyalty with £100,000***

At the Church of England Synod in York in July 1997, Nestlé Public Relations staff trumpeted the company's support of the Church in York. Nestlé was concerned that the Boycott would be reinstated following the exposure of "systematic" violations of the marketing Code in the report *Cracking the Code*. The Synod affirmed the conclusions of the report, and called for companies to abide by the International Code and the Resolutions, but stopped short of calling on churches to reinstate the Boycott. In March 1998, the York Council of Churches announced that it had accepted £100,000 from Nestlé.

### МИР ПРОТИВ "НЕСТЛЕ"

Среди продуктов питания зарубежного производства чаще всего на прилавках наших магазинов мы встречаем продукцию фирмы "Нестле". Покупают ее довольно охотно, и наверняка во многих семьях найдется баночка кофе или какао "Нестле".

Однако уже давно в зарубежных средствах массовой информации можно встретить далеко не лестные отзывы о деятельности этой компании и призывы к бой-

коту фирмы. Почему? В данном обзоре мы постарались дать нашим читателям только факты, беспристрастные и, на наш взгляд, красноречивые.

Давно снят "железный занавес", наша страна открыта всему, к сожалению, не только хорошему. И от того, получаем ли мы достаточно объективной информации, ощущаем ли мы себя причастными к мировому сообществу, зависит, какой выбор мы сделаем.

#### ФАКТЫ

**П**очему люди во всем мире бойкотируют "Нестле"?

"Полмиллиона младенцев умирают ежегодно, что-то является причиной смертности — "неадекватным" вскармливанием" (ЮНИСЕФ). Это означает более чем 1000 смертей каждый день.

— Естественное вскармливание детей крайне полезно — максимальное условие на протяжении роста и развития, ускорения их здоровья. В обществе с низким уровнем жизни оно абсолютно необходимо.

— Компания, производящая детские питания, рекламирует свою продукцию среди матерей и работников здравоохранения, т. е. полагаясь, что их доводы право зависят от количества детей, приученных к искусственному вскармливанию.

— В результате естественный уровень смертности среди детей первого года жизни резко возрос: количество погибших при острой болезни в Хараре в 1983 году.

Дэвид Грант, исполнительный директор ЮНИСЕФ (Фонд ООН помощи детям).

**П**очему именно "Нестле"?

"Нестле", крупнейшая компания по производству продуктов питания, контролирует около половины мирового рынка детского питания для детей грудного возраста. Ее деятельность непосредственно влияет на другие компании.

— ВОЗ (Всемирная Организация Здравоохранения) и ЮНИСЕФ разработали Международный Кодекс Торговли (МКТ), запрещающий рекламу и продвижение питания для детей раннего возраста. "Нестле" нарушает данный Кодекс чаще, чем любая другая компания.

— ЮНИСЕФ и ВОЗ предпринимает действия — "Нестле" уклоняется. В 1986 г. Всемирная Ассамблея Здравоохранения приняла резолюцию Резолюция, уточняющую МКТ. Было запрещено использовать медицинские средства в рекламе и надежды для новорожденных и беременных женщин. Необходимо количество таких товаров должно приобретаться медицинскими учреждениями за свой счет.

В 1991 г. ЮНИСЕФ и ВОЗ начали переговоры и जारी своей программы Нормативная Болонни в Поддержку Детей, целью которой является искоренение искусственного вскармливания детей грудью. Чтобы дать этой программе шанс на успех, "Нестле" и ее конкуренты были предложены придерживаться МКТ и ограничить дальнейшее продвижение и продвижение по своему каналу во все страны с целью на ослепить

### Скажи "Нестле" нет!

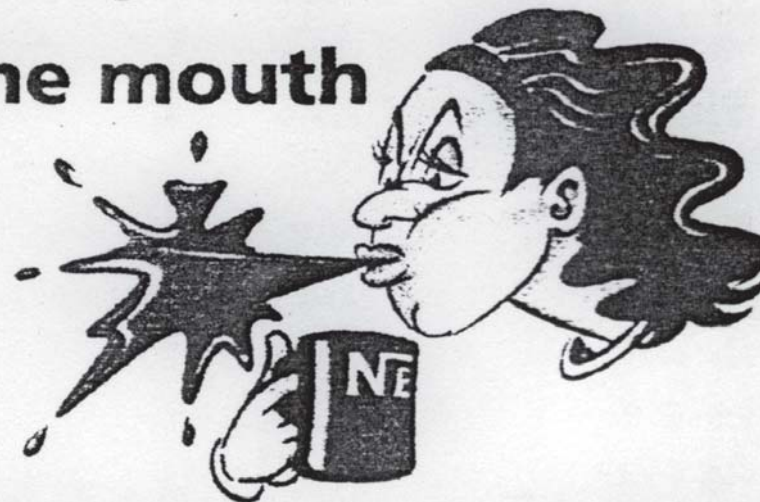


BABY MILK

Мир надеется, что "Нестле" откажется от торговли кофе. Однако опыт показывает, что ранее она уже приобрела "дезинформационный" статус, который мешает людям, желающим

'Say No to Nestlé' reads the headline of this feature in a Russian paper as the campaign moves East.

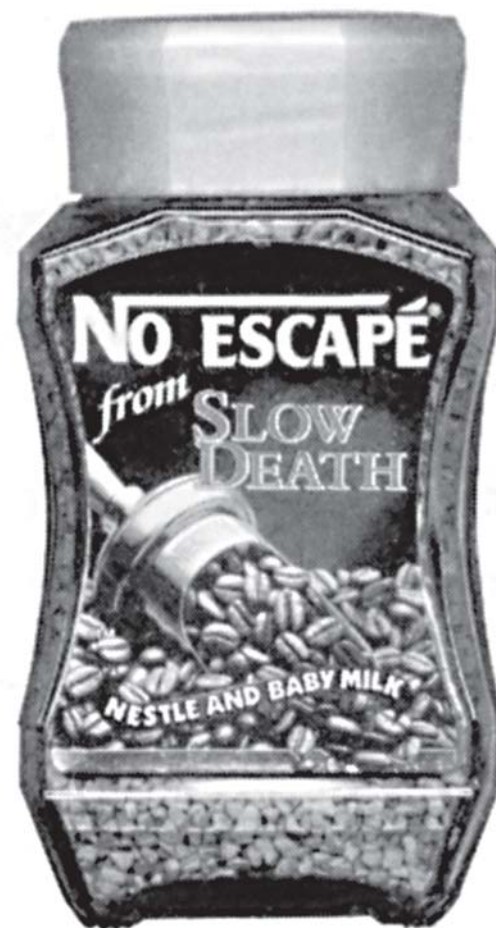
# Some things leave a nasty taste in the mouth



Every day, more than 4000 babies die because they're not breastfed. That's not conjecture, it's UNICEF fact. But companies like Nestlé know that if they don't get babies on the bottle, they do a lot less business. So what do they do? They aggressively promote their baby milks, breaking a World Health Organisation code of marketing.

## Don't let them get away with it. Boycott Nescafé.





**www.subvertise.org puts a new spin on familiar marketing images - "No Escape" by Crash.**

amount it spends on advertising Nescafe by 27% to £ 19 million. Nestlé sales suffered despite spending £ 4 million more on advertising. Its main competitor in the instant coffee market decreased its advertising expenses by over 40%, but saw a slight increase in sales.

## **Health professionals join the Boycott**

As more and more people across the globe came to know of the benefits of breastfeeding and how Nestlé's unethical promotion of their baby food, in violation of the Code, interfered with successful breastfeeding, health professionals became important associates of the Boycott. On July 7, 1989, five leading pediatricians wrote an open letter to UNICEF and the World Health Organisation, endorsing their stand on the issue of donations of formula to hospitals and maternities.

Numerous professional associations across the world are refusing Nestlé sponsorship of their events and conferences. Since 1994, the Indian Academy of Pediatrics has refused sponsorship of any kind from infant milk manufacturers for its conferences. For the inaugural meeting of the 8<sup>th</sup> Asian Congress of Pediatrics, which was held jointly with the IAP in Delhi, they refused US \$250,000 from one infant formula company - an amount that could have funded the entire conference. Speaking on the occasion, the President of India, Dr. Shankar Dayal Sharma, said to ringing applause: "I am very happy that doctors have decided to stand alone." In fact, the Federation of Obstetric and Gynaecology Societies of India, which has also been rejecting corporate sponsorship, declared 1997 as the Breastfeeding Year.

In the UK, Professor Andrew Tomkins of the Centre for

## **World renowned paediatricians support the Code**

AN OPEN LETTER TO UNICEF AND THE WORLD HEALTH ORGANISATION:

We wish to convey our gratitude and support for the leadership of the world Health Organisation and UNICEF in the protection and promotion of breastfeeding. Your efforts to implement and clarify the 1981 WHO/UNICEF International Code of Marketing of Breast-milk Substitutes through your sponsorship of the **1985** Experts' Consultation and the enactment of Resolution **39.28** are especially helpful and important. We note the importance of the Code's universal application, in both the developed and the developing world. We look forward to reviewing your new publication, Protecting, Promoting and Supporting Breast-Feeding, The Special Role of Maternity Services, A Joint WHO/UNICEF Statement.

Because of our own experience and our support for the efforts of UNICEF and the WHO we wish to make a statement regarding the current controversy about the industry practice of providing promotional formula supplies to hospital maternity wards.

We know that you and many other groups concerned with the health of infants have concluded that the provision by formula manufacturers of free/subsidised infant formula supplies to hospitals and maternity wards undermines the initiation of breastfeeding and, therefore, ultimately, endangers infant health. We strongly agree with these findings.

We respect, and certainly agree with, the interpretation of the Code's Article 6.6 (on formula supplies) as articulated by Dr. Halfdan Mahler, the WHO Director-General at the time the Code was enacted, which concludes that:

*"...the institutions and organisations mentioned in Article 6, paragraph 6," (which says that "Donations or low price sales to institutions or organisations of supplies of infant formula ... may be made") "were intended to mean orphanages and similar social welfare agencies. They were not intended to refer to direct health care providers, that is to say health care facilities such as hospitals and maternities ..."*

We also heartily endorse the findings of the **1985** WHO/UNICEF Expert's Committee, which included this statement:

*"The routine availability of breast-milk substitutes, which are not only unnecessary but potentially dangerous because they could increase the likelihood of their being used to the detriment of breast-feeding, should not be permitted in maternity wards and hospitals. Since only very small quantities of breast-milk substitutes are ordinarily required to meet the needs of a minority of infants in these facilities, they should be acquired through normal purchasing channels. Maternity wards and hospitals should not be recipients of free or subsidised supplies of breast-milk substitutes."*

We also note that the Code's Article 6.6 specifically

prohibits any distribution of free formula when the manufacturer's purpose is sales inducement.

From our own experience as medical professionals we believe that supplies of free formula in maternity wards serve no charitable interest. Their purpose : promotion. We think that infant food manufacturers have an independent responsibility to end this commercial promotion.

We understand that some representatives of the industry groups have expressed the desire for you to sponsor further "consultation" on the issue of breast-milk substitutes supplies. We are not persuaded that further consultation on this matter would serve the interest of infant health. A significant meeting was held in December 1985, the conclusions of which were reiterated by the 1986 World Health Assembly Resolution. The problem appears to be simply that the industry is unwilling to comply with those findings.

From our experience as medical practitioners we recognise that an important obstacle to the full implementation of the WHO/UNICEF Ten Steps to Successful Breastfeeding is the influence of the breastmilk substitute industry in the maternity services, most particularly, through the continued practice of formula supplies deliveries.

We endorse not only your efforts, but also those of the International Baby Food Action Network, the international Nestlé Boycott Committee - Europe, and Action for Corporate Accountability in those groups'

attempts to urge the industry leaders, Nestlé and American Home Products, to comply with the Code and end their free/subsidised formula supplies programs.

We wholeheartedly urge you to continue your excellent leadership in the area of breastfeeding protection and promotion. We believe that you should not agree to industry requests for further unnecessary consultative meetings that may be attempts by manufacturers to weaken the current agreements and recommendations with regard to donated formula supplies.

Signed,

Dr. Rov Brown  
*Medical Director, Blythdale Children's  
Hospital, Valhalla, NY*

Dr. Allan Cunningham  
*Department of Pediatrics, Imogene  
Bassett Hospital, Cooperstown, NY*

Dr. Derrick Jelliffe  
*Head, Division of Population & Family  
Health, School of Public Health, UCLA*

Patrice Jelliffe  
*Lecturer and Researcher in Public Health,  
School of Public Health, UCLA*

Dr. Michael Latham  
*Professor of International Nutrition,  
Cornell University*

International Child Health at the Institute of Child Health in London made it clear to the Nestlé Foundation that his department does not accept finance from baby milk companies either for research or for student fees.

However, not all professional associations have been able to keep their distance from the company. Cut-backs in government spending have led to a dramatic increase in dependency on funding from baby milk and pharmaceutical companies for research projects and conferences. The International Pediatric Association Conference held in 1992 in Rio, was funded partly by Nestlé, whose name appeared on the front cover of the brochure. Upset at this, UNICEF demanded that breastfeeding be given display space equal to that given to pharma companies. In UK, the British Pediatric Association has been known to accept funding from baby milk companies like Wyeth for their events. IBFAN groups protested at the International Congress of Nutrition in Adelaide South Australia, in 1993, when they discovered that parts of the congress were sponsored by infant formula manufacturers including Nestlé and Nutricia. The Nestlé Foundation offers postgraduate and training in Europe and USA for nutrition students in developing. In Uganda, this was used as occasion for Nestlé representatives from Kenya and Zimbabwe to visit the health ministry to lobby for other concessions.

### **UK Advertising Authority rules against Nestlé's ads**

Since the 1970s, Nestlé has published numerous glossy brochures and a dozen policy documents which aim to present a clean corporate image to counter the boycott. In October 1996, it went one step further and placed a



## **Chartering malnutrition and death**

Nestlé often responds to its criticism with a copy of its "Charter - Nestlé infant formula policy in developing countries". Nestlé portrays its "charter" as if it implements the WHO International Code, but it contains important omissions. The Charter

- applies only to developing countries
- is limited to infant formulas and not all breastmilk substitutes
- does not ban free supplies.

The Charter not only falls short of the International Code and subsequent relevant World Health Assembly Resolutions, monitoring reveals that it Nestlé also breaks its own charter. Despite the Charter, Nestlé

- has tried to undermine legislation in many countries
- promotes its products to mothers through health facilities
- has never disciplined a member of staff for any of the many violations of the Code which have been reported.

## **Nestlé accused of "ethnic cleansing" by Zimbabwe Minister of Health**

*"Eliminating all African children? That's what I would ask him."*

Nestlé responded to Mark Thomas: *"If Dr. Stamps feels this way, he should talk to us about it."* Mark Thomas explained that he then began to receive faxes from Mr. Brabeck promising that all products would have labels including the "primary language" of the country where they are sold - a requirement of the Code for the past 19 years.

## **Nestlé 16 go free**

Legal proceedings against 16 people demonstrating at a Nestlé factory were dropped in February as protests were being arranged across the UK. The 16 had been protesting against Nestlé for the role it is playing in pushing for deregulated trade through the World Trade Organisation. The demonstrators unfurled a banner saying "People and Planet before Profit" on the roof of a Nestlé factory in Halifax. They were charged with conspiracy to burgle.

## **Cancer charity turns down £1m Nestlé donation**

A leading British cancer charity has rejected a £1m approach from Nestlé over accusations that the Swiss food conglomerate promotes unsafe baby milk powder in developing countries.

Breakthrough Breast Cancer, a high-profile organisation supported by supermodels including Elle Macpherson and Kate Moss, turned down the proposed link amid concern about the company's motives.

The charity, renowned for its fashion fund-raising, feared that Nestlé, target of a long running boycott by anti-baby formula campaigners, hoped to use Breakthrough's respectability and positive image to bolster its own position.

The company offered to support the charity financially and promote its work on packets of Nestlé breakfast cereals, such as Shredded Wheat and Golden Grahams.

The charity declined the offer, which was made by Cereal Partners, a joint venture with a US firm producing Nestlé's breakfast brands, because research suggests that breast-feeding reduces the risk of breast cancer.

Delyth Morgan, Breakthrough's chief executive, said: "We can confirm we were approached by Cereal Partners regarding a proposed cause-related marketing promotion but after careful consideration decided not to proceed with the partnership."

Breakthrough, which has close links with Marks & Spencer and Avon, aims to raise £7m a year and funds research projects at the Institute of Cancer Research in London.

The refusal is a blow for Nestlé, which campaigners accuse of jeopardizing the lives of mothers and infants by pushing powdered baby milk sales in developing countries where water supplies are often polluted. Thousands of mothers suffer malnourishment, argue Nestlé's critics, and thousands of bottle-fed children die of diarrhoea.

The International Baby Food Action Network also alleges that Nestlé fails to abide by an international code banning unethical marketing practices, including inducements to doctors to recommend bottles and free trial supplies of milk substitute to mothers.

Nestlé rejects the charges, insisting it is a socially responsible company. In a statement, the company said: "Nestlé takes its corporate social responsibilities very seriously. The company firmly believes that breast-feeding is the best way to feed a baby, and we are strongly committed to the protection and promotion of breast-feeding.

"However, when mothers cannot or choose not to breast-feed, infant formula is the only product recognised by the World Health Organisation as a suitable alternative. Nestlé globally adopts the WHO code."

Writers Germaine Greer and Jim Crace pulled out of the Guardian Hay Festival two years ago after Nestlé was named as one of the sponsors, and the company's vice-chairman, Niels Christiansen, spoke on the subject Good Business: a Moral Maze.

*Source: Kevin Maguire, The Guardian, May 6, 2004*

## **Nelson Mandela refuses Nestlé money**

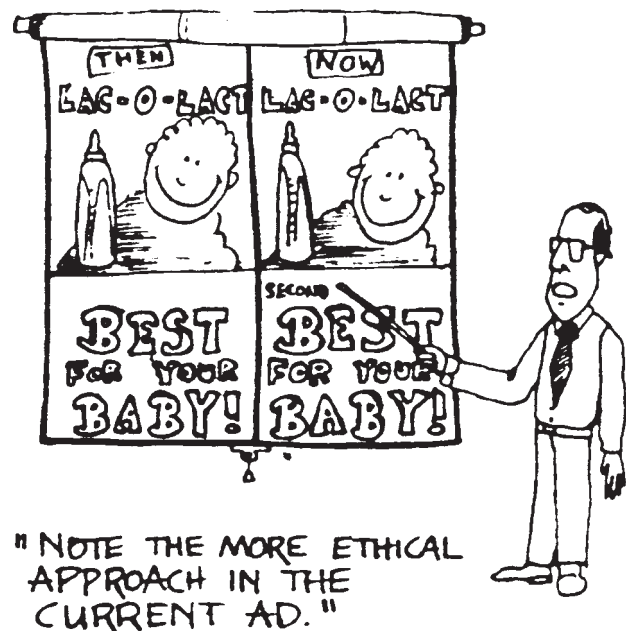
In 2000, Nelson Mandela's Children Fund's Aids Orphan Programme refused a large donation (reportedly approximately US\$ 900,000) from Nestlé representatives, who, in return, wanted to be photographed with him. But to his great credit, Mandela and his organisation would not oblige them. A spokesperson for the charity stated their reasons: "Given the Nestlé debacle in relation to HIV/Aids infected mothers and their campaign on promoting formula milk...and the disadvantages they put out publicly regarding breastfeeding" the charity had no choice but to refuse the money.



newspaper advertisement in the *Oxford Independent* in UK. The advertisement attempted to portray Nestlé as a wholly beneficial force. However to do this, numerous facts had to be distorted: among other things, the advertisement claimed

Even before the World Health Organisation International code of marketing of Breast-milk Substitutes was introduced in 1981, Nestlé marketed infant formula ethically and responsibly and has been doing so ever since.

IBFAN group Baby Milk Action complained to the Advertising Standards Authority (ASA) - a self regulatory body for the advertising industry that is recognised by the Office of Fair Trading. After examining the evidence for nearly two years, ASA upheld all the complaints.



## ***Killing the messenger - NIFAC indicts companies on free supplies in Mexico and is closed down by Nestlé***

Nestlé's monitoring body NIFAC carried out a study of infant feeding in Mexico. The results, which were

### ***Advertising breastfeeding with a can of formula - the Nestlé way***

Free samples of baby milk and ads on television are two popular methods of grabbing larger market shares. In the US, with a market worth \$1.3 billion a year, Nestlé, Abbot-Ross, Wyeth and Bristol Myers are major advertisers. The ban on advertising to the public is the cornerstone of the Code. WHO's comments, in 1990-91 to the US government on this ads stated that if a baby is not breastfed, "infant formula (during the first 4-6 months) is essential to the health and nutrition of infants and by analogy, could be considered during this period as falling under the specific category "medicines". Such a conclusion implies that infant formula, like any medicine, should be used with the advice and under the supervision of a health worker. Similarly, by analogy, the accepted principle of not advertising medicines requiring supervision by a health worker should apply in the case of infant formula." WHO guidelines also state that "infants who are not breastfed, for whatever reason, should receive special attention from the health and social welfare system, since they constitute a risk group."

published in 1991, were critical of company practices and confirmed that free supplies damaged breastfeeding and placed infant lives at risk. The study found free supplies in all 90 hospitals visited - often enough to feed 100% of babies. The milk was supplied through standing orders and no effort is made to establish the number of infants requiring it.

The American Academy of Pediatrics commented: "The primary purpose of such ads is obviously to promote formula sales. If one is serious about promoting breastfeeding, then one wouldn't design an ad using a can of infant formula." Carnation - a Nestlé brand of infant milk - had claimed that the adverts promote breastfeeding.

### ***NIFAC's stick fails to prick Nestlé***

In their reply to Baby Milk Action on the issue, NIFAC, a Nestlé funded monitoring body first tried to cover up the corporate misbehaviour: "The Commission believes that direct marketing of Good Start is a clear violation of the Code. However Nestlé's publicly stated commitments with respect to the Code are directed to the developing world and not the developed world." However, the letter later admitted that "Carnation's actions are significant to the extent that they suggest underlying Nestlé beliefs and policies more generally and consequently, may be viewed as undermining confidence in Nestlé's level of commitment to honour the Code in developing countries. Therefore the commission has strongly pressed upon Nestlé its views.... And is hopeful that Nestlé will arrive upon a sensible course of action."

## **Waiting for Justice: the case against Nestlé**

In October 1994, almost two years after the IMS Act was passed, and more than one year since it came into force, IBFAN Coordinator for South Asia, Arun Gupta noticed that some magazines carried Cerelac advertisements in Hindi wherein Nestlé's Cerelac visual featured prominently in an article that promoted introduction infant foods before the baby was four months old. The article, together with the Cerelac ad was a clearly designed publicity effort to entice women to start feeding cereal foods early. Dr. Gupta found that the labeling of Lactogen did not fully comply with the Rules, especially since the statement "Mother's Milk is Best for Your Baby" was substituted by "Breastmilk is Best for Your Baby". ACASH, IBFAN member and one of the notified NGOs under the Act, filed a complaint in the Court of the Metropolitan Magistrate, Delhi, who took cognizance of the offence, ensuring that the State would file a criminal case against Nestlé. The court also summoned the accused company to the Court through its Managing Director, through an order passed on 16.1 1995.

### *Nestlé resorts to delaying tactics*

Nestlé resorted to delaying tactics right from the beginning of the case. Firstly, Nestlé did not receive the summons though it was served twice. In July 1995 one of their legal representatives was discovered surreptitiously observing the court proceedings. On being asked why he was there, he informed the Court that Nestlé had sent him. It was only then that the Metropolitan Magistrate could serve the summons to him, directing Nestlé to appear in court.

### *Nestlé challenges the IMS Act*

In 1995, the corporate giant challenged the validity of the IMS Act itself and its supposed inconsistency with Prevention of Food Adulteration Act (PFA) in the High Court of Delhi. It also questioned the labeling requirements of the Act, which requires that labeling include the following words *Important Notice: Mothers Milk is Best for Your Baby*. The Act requires that these words be in letters 5mm tall. Nestlé further stated its inability to identify the center of the container, for the Act requires that the Notice be printed in a "central place", as well as its incapability to translate the Notice into Hindi. The company also prayed for a stay in the operations of the IMS Act, claiming that it interfered with the company's business rights.

### *Pitting Court against Court*

In the Writ Petition, the company also sought stay of proceedings in the lower court, which was rejected by the High Court.

Seeking adjournments was the mainstay of Nestlé's defence strategy. At the lower court of the Metropolitan Magistrate, Nestlé kept using its High Court case to seek postponements. At the same time, it used the case at the lower court to seek postponements at the High Court. By September 13, 2000, there had been 22 dates, of which 17 had been at the instance of the company and 14 adjournments, again at the request of Nestlé. Nestlé also demanded that as the pre-charge evidence in the lower court had not been filed, the case be closed.

On 22nd February 2002, the Metropolitan Magistrate rejected Nestlé's petition and ordered that in the

interest of justice, the precharge evidence be recorded in the lower court. This was however delayed. In May, Nestlé appealed against this order through a revision petition in the District and Sessions Court saying that the order was a misuse of Constitutional Authority and a gross abuse of the process of the Court and that it needs to be repealed. The Sessions Judge threw out Nestlé's Revision Petition in May 2003, on grounds that whatever had been decided was just.

### *The truth of the matter*

While Nestlé keeps claiming that they obey the Indian law and follow the International Code in letter and spirit, in actual fact they do not.

- In 1994, for a few months Nestlé advertised Cerelac, a cereal food by Nestlé which the company claimed should be used from the 4<sup>th</sup> month onwards, in every Hindi print magazine read by parents. The only words underlined in the whole advertisement were '*Chautha mahine se*' (literal meaning from fourth month onwards).
- While on one hand Nestlé complains to the Delhi High Court that the IMS Act and Rules are impossible to comply with, on the other hand it has quietly changed the labeling during the pendency of the case to make it conform to the Act and Rules, thus making it clear that compliance is possible.
- Nestlé has adopted new ways of promoting their products. 'Nestlé Nutrition Services' invites doctors to meetings on subjects like "Dangers of unmodified bovine milk", but at the end of the meeting they offer a free lunch accompanied by the brazen promotion of Lactogen.

Following the study, all the companies acknowledged that free supplies to maternities contravene the Code, and Nestlé, Wyeth, Abbott Ross and IFM issued policy updates which spoke of an *intention* to work with governments to end free supplies in developing countries. However, critics viewed these updates skeptically, given that in 1989 experience in the Philippines. They commented that *No company agreed to stop free supplies either universally or unilaterally*. Nestlé closed NIFAC down.

### **Stringent legislation against marketing of breastmilk substitutes - India's IMS Act, 1992**

1992 saw one of the strongest pieces of Code-related legislation anywhere in the world being enacted. The Indian Parliament passed the Infant Milk Substitutes (IMS) Act. The Indian Act, recognizing the role of NGOs in the battle for breastfeeding, gave four NGOs, including two IBFAN members, the power to file charges against violators.

### **Wolf in sheep's clothing: Nestlé attempts to buy 'caring' image in schools**

"Carry out a survey of 30 mint consumers to find out which of the four variants of Polo [mint] they find most appealing." This is the text of a lesson prepared by food giant and sweet manufacturer Nestlé currently being used in British schools.

More and more corporate giants are entering into partnership with schools. For Nestlé this provides an added opportunity to deflect criticism from its activities

in the baby food sector and to counter the Boycott. In 1995, Nestlé started teaming up with the Scout Association to give free samples of its Nesquik cereal to Cubs. Nestlé also gave camping equipment as prizes to Scout groups which invited the maximum number of people to the "Nesquik Bike Clinics" the company had organised. The company also gave cash donations to a few Scout Councils. In 1999, Nestlé entered into "partnerships" worth £ 1 million with four UK charities, including Kids Club Network. Nestlé's pamphlet, "Nestlé in the Community" is full of buzzwords like "sustainable development".

In Britain, the Government has set up a Business Development Unit to facilitate corporate relationships with schools. Its brochure explains that benefits to

companies are "substantial" including "investment "in the next generation of employees and customers. In India, Nestlé has begun making inroads into the Asian educational system with glossy promotional material of its sweets and chocolates. Meanwhile in Russia Nestlé is sponsoring a "Good Nutrition Programme" which by the end of 2004 will have reached 120,000 kids in 17 regions.

### **Students say "NO" to Nestlé**

However, older students are refusing to entertain Nestlé, and are joining in the Boycott. The students of Bradford University voted for a boycott of all Nestlé products only days before the University presented an honorary doctorate to Nestlé Chair Peter Blackburn, in December 1991. Nestlé's head of Dietetics and Head of Corporate

### **Students unimpressed by Nestlé**

The Ethics Committee of the UK National Union of Students Services division engages in "dialogue" with problem companies to encourage them to change. However, it judged such meetings with Nestlé as a futile exercise and called a halt in December 1999 after the personal intervention of Nestlé Vice-President, Niels Christiansen, who flew in from Switzerland especially.

David Boyle of the Ethics Committee told the student paper *Warwick Boar*: "The meeting [with Christiansen] saw a complete refusal by Nestlé to accept any wrong doing or the opinions or beliefs of anyone but themselves. The way in which Nestlé whitewashed any issue that arose and shot down any intellectual discussion of an issue was quite frankly insulting to me, to the NUS and to the student body as a whole."

The company reacted by sending its new public relations book: *Nestlé implementation of the WHO Code* to all Student Unions, in a direct attempt to undermine the boycotts supported by many colleges. The National Secretary of NUS sent a mailing in response with a briefing paper from the Ethics Committee on its meetings with Nestlé and Baby Milk Action's analysis of Nestlé's book *Don't Judge a Book by its Cover*. The issue was to be debated at the NUS national conference in April, but has been postponed due to lack of time.



Affairs traveled to Bradford to meet student representatives, but failed to weaken their support for the Boycott. Cambridge University Student's Union (in UK) and People and Planet groups held a demonstration at a Nestlé graduate recruitment event in November 1999 causing it to be cancelled. CUSU representative said: "It gives a clear message to Nestlé that they are not welcome in Cambridge." Leeds and Oxford Universities held similar peaceful protests resulting in Nestlé's departure.

With more and more Universities in UK refusing to allow Nestlé recruitment, the company has been facing a serious problem. Using the debate at Cambridge as a wedge, Nestlé is now trying to get universities to "open dialogue" with it.

## ***Nestlé contemptuous of the European Parliament***

Nestlé (along with Adidas) showed clear contempt of the Members of European Parliament by not attending the EU Public Hearing. Richard Howitt, MEP who arranged the Hearing commented that Nestlé had demonstrated "utter contempt for a properly constituted public hearing. Not to attend reveals a combination of arrogance and distance which has set the cause back."

Organised by the Development and Cooperation Committee, the Hearing focused on marketing in Pakistan and why, nearly 20 years after the Code was introduced, baby food companies continue to be accused of irresponsible marketing practices. The Hearing took note of the facts presented by the Network for Consumer Protection in Pakistan which explained how it had registered complaints about labeling with the European Commission using export regulations, and reports

containing documentary evidence of marketing methods provided by Syed Aamir Raza, a former Nestlé employee.

At the Nestlé shareholder AGM in 1999, then Chairman Helmut Maucher had said he welcomed the Hearing. However when the time came, the company with over 230,000 employees failed to turn up.

## ***Nestlé rejects plan aimed at saving lives and ending Boycott***

After years of refusing to debate the baby food issue in public with Baby Milk Action (IBFAN UK), Nestlé decided to attend a meeting with medical students of Cambridge University on 15th March 2001. Baby Milk Action offered a four-point plan to save infant lives and end the Boycott,

which Nestlé rejected. Nestlé also disputed the scope of the Code, and justified milk nurses being used for promotion in hospitals as being done "with the best possible intentions". After the orderly debate, Nestlé Chief Executive Peter Blackburn was quoted as stating that their representative at the debate "was shouted at, howled at. She was really shocked in a place like Cambridge, which she always understood to be the pinnacle of academia, to be treated like that."

By mid 2002, Nestlé and Baby Milk Action engaged in 13 public debates or meetings on the baby food issue. In most of the instances, Nestlé has been unable to justify its position and has had to back off to the incredulous laughter of the audience.

<b>4 Point Plan</b>	<b>Nestlé's response</b>
1. Nestlé must state in writing that it accepts that the International Code and the subsequent, relevant World Health Assembly Resolutions are minimum requirements for every country	Nestlé does not accept that the Code applies to all countries, only those on a list of its own invention and even then, Nestlé follows its own weaker Charter rather than the Code. Nestlé refuses to recognise that subsequent Resolutions have equal status to the Code.
2. Nestlé must state in writing that it will make the required changes to bring its baby food marketing policy and practice into line with the International Code and Resolutions (i.e. end its strategy of denial and deception)	Nestlé continues to dispute any wrongdoing even in the face of documentary evidence of malpractice, fines, convictions and rulings against it.
3. Baby Milk Action will take the statements to the International Nestlé Boycott Committee and suggest that representatives meet with Nestlé to discuss its timetable for making the required changes.	Nestlé has not provided the necessary statements.
4. If IBFAN monitoring finds no Nestlé violations for 18 months, the Boycott will be called off.	Nestlé continues to violate the code and Resolutions



TO SELL THEIR PRODUCTS THE INFANT FORMULA COMPANIES HAVE BEGUN AN INTENSE PROMOTION CAMPAIGN IN THE WORLD'S POOR COUNTRIES. THE MODERN BENEFITS OF BOTTLE FEEDING ARE PRAISED THRU MASS ADVERTISING WHILE MOTHERS' MILK, THE PERFECT FOOD, IS DEGRADED AS A FOOD SOURCE. THE BOTTLE IS PUSHED ON DOCTORS AND HOSPITALS WHO RECEIVE EXPENSIVE GIFTS OF EQUIPMENT ALONG WITH THE ADVERTISING. THE CAMPAIGN REACHES WOMEN IN HOSPITALS, URBAN SLUMS, AND VILLAGES. MANY BABIES DIE WHERE PURE WATER CANNOT BE FOUND, WHERE FORMULA IS DILUTED TO MAKE IT LAST, WHERE REFRIGERATORS TO PRESERVE IT DO NOT EXIST. HUNGER AND MALNUTRITION INCREASE THEIR TOLL FOR THE BENEFIT OF CORPORATE SALES CHARTS. THE NESTLE CORP IS THE LARGEST OF THESE PROMOTERS. JOIN THE BOYCOTT!



Nestlé

## Nestlé's Bogus Arguments

Nestlé Says	The Facts
<p><b>These issues were resolved long ago</b></p>	<p>IBFAN's monitoring report, <i>Breaking the Rules, Stretching the Rules</i> 1998 reports on the marketing practices in 31 countries. It reveals that violations of the International Code and Resolutions continue to occur.</p> <p>At the 1998 World Health Assembly, WHO stated<sup>ix</sup> <i>In summary, Mr. Chairman, if we are serious about wanting to improve the health, nutrition and well-being of our children, all governments need to urgently reflect the recommendations of the Code and subsequent resolutions in their own laws and regulations and take suitable action accordingly. NGOs must be supported to intensify their monitoring efforts especially in view of the HIV epidemic. Infant-food industry needs to be proactive and more responsible to monitor its own marketing practices and respond promptly to correct all violations that are reported.</i></p>
<p><b>These issues will only be solved by cooperation</b></p>	<p>The Nestlé Boycott, which first began in 1977 mobilised public opinion against the unethical marketing practices of the baby food industry and helped to prompt the drafting of the International Code. Nestlé opposed the adoption of the International Code in 1981, with Nestlé Vice President Ernest Saunders, head of the industry body, describing it as “irrelevant” and “unworkable”. Nestlé has had 17 years to cooperate by following the recommendation of the world's highest body in the health field.</p> <p>Nestlé has opposed the Indian Government's implementation of the International Code by issuing a Writ Petition against the government, following the criminal prosecution of the company over its labelling.</p>
<p><b>HIV changes the situation</b></p>	<p>The risk of transmission of the HIV virus through breastfeeding presents mothers, health professionals and organisations such as IBFAN with a dilemma concerning decisions about infant feeding. However stopping inappropriate marketing of breastmilk substitutes remains as important as ever, if not more important. Addressing this issue at the World Health Assembly in 1998, WHO stated: <i>It is essential that we safeguard the gains that have been made in protecting breastfeeding, ensuring the survival of millions of infants.</i></p>
<p><b>The Boycott has no effect</b></p>	<p>Nestlé admits that the Boycott acts as a “catalyst” to raise awareness of the issues and it produces many glossy booklets and leaflets attempted to deflect the calls for change coming from members of the public. It employs Public Relations staff to counter the campaign, although it consistently refuses to debate the issues with Baby Milk Action in public and on the record.</p> <p>Nestlé Chairman Helmut Maucher led a conference on setting the globalisation agenda organised by the International Chamber of Commerce (of which he was President) in September 1998. One session was on The business of business in the global economy and posed the question <i>How should business react to a new phenomenon: the growing pressure imposed by “civil society” groups on intergovernmental organisations and on business?</i> The Managing Directors of McDonald's and Shell also took part in the discussion.</p> <p>After first opposing the International Code Nestlé now claims to support it in a narrow set of circumstances (applying it to infant formula only and in developing countries only). While there is still much cause for concern, the Boycott has been instrumental in bringing about the important changes that have been made. It should be remembered that Nestlé marketed sweetened condensed milk as infant food until 1977, when the Boycott began.</p>

<sup>ix</sup> Statement on Infant and Young Child Nutrition by WHO Executive Director of Family and Reproductive Health to the 1998 World Health Assembly.

## Mr. Brabeck's "Search for Trust" - ten tips from Nestlé Boycott

On 30th Nov 1999 Nestlé's Chief Executive, Peter Brabeck, made a presentation to 20 students at the Oxford University European Affairs Society. Nestlé has published this as a booklet, *Beyond Corporate Image: the Search for Trust* and distributed it around the world. These ten tips for Nestlé could help Mr. Brabeck in his search.

- 1. Don't ignore reports of violations** Baby Milk Action reports violations to Nestlé, but generally does not receive any response. This is why we also ask members of the public to write. Monitoring reports produced by IBFAN and other organisations have been dismissed out of hand as "biased" and "flawed".
- 2. Don't market labels which have been rejected by Governments** as in Malawi and Costa Rica
- 3. Don't defame people behind their backs** Nestlé is telling journalists that former employee and whistle blower Syed Aamir Raza attempted to blackmail the company but has ignored Mr. Raza's request for a copy of the evidence. Baby Milk Action has written many times without receiving any

substantiation for the blackmail allegation. In a similar vein, Mr. Brabeck attacked Nestlé's critics at a press conference in the UK in May 1999 "singling out Carol Bellamy, the New York-based executive director of UNICEF, for particular scorn," according to the *Independent* on Sunday (9th May '99).

- 4. Don't go back on your promises** Nestlé breaks big promises, such as its undertaking to follow the Code. It also breaks small ones. For example, in its January Action report an open letter to Baby Milk Action from Nestlé's Vice-President Niels Christiansen was published. Regarding Mr. Raza's allegations it said: "We investigated them in detail, and took action on the small number which had merit, which we would be glad to share with you." Baby Milk Action immediately wrote accepting the offer, but still has not received the information.
- 5. Don't waste shareholder's money** Nestlé has been distributing a 180-page hardbound book around the world. This attempt to divert criticism has turned into a public relations disaster.
- 6. Don't mislead shareholders** In 1999 Mr. Brabeck misled shareholders about the decision of the UK Advertising Standards Authority.

**7. Don't sack people for joining trade unions** The Union of Filipino Employees reports that 65 people were sacked from Nestlé's Magnolia factory in the Philippines in January for being members of the trade union.

**8. Don't keep your audits secret** Mr. Brabeck claims that Nestlé has conducted over 130 audits of the marketing activities of its subsidiary companies and claims that he "personally reviews any hint of a violation." Yet it won't reveal which countries have been audited or the results.

**9. Pay due tax** It was reported in *The Times of India* on 6th March that the tax department "has unearthed income tax evasion by the company and will issue orders directing the company to pay up the arrears after calculating the total evaded amount."

**10. Don't put company profits before infant health** Mr. Brabeck has promised shareholders that he will deliver 4% growth in turnover each year. This puts him under great pressure to expand markets. Mr. Brabeck must accept that the drive to be market leader can contribute to death and suffering.

## Boycotters Action against Nestlé in South Africa (2004)

In Feb 2004, a letter campaign was launched to support health campaigners in South Africa protesting the country's media support to the baby food industry. The South African government is attempting to regulate the marketing of breastmilk substitutes in accordance with

international standards that have been adopted by the World Health Assembly.

Under pressure from baby food manufacturers, especially Nestlé, media has branded the new regulations as "radical" and the government has been accused of being a "nanny state".

Nestlé has been gearing up to promote bottle-feeding

and evade these proposed regulations for some time. In what some consider Nestlé's most heinous act in recent times, the company formed the Nestlé Nutrition Institute in Africa in 2001 with the expressed purpose of promoting infant formula for HIV infected mothers. According to the WHA, HIV-infected mothers should receive independent information so they can balance the risks

between HIV transmission through breastfeeding and the risk of death through artificial feeding. Studies have found that in many areas of Africa, it is still more dangerous to bottle-feed a child than it is to breastfeed if you are an HIV-infected mother. Despite this advice Nestlé has chosen to try exploiting the AIDS crisis to increase its profits.

In November 2003, Nestlé joined with other baby food companies in South Africa to form the Infant Feeding Association, with the stated objective of protecting the “manufacturers’ right to freedom of speech and mothers’ rights to information”. Nestlé boycotters across the world joined the debate by writing letters of support to the South African government.

Dear Director-General,

I would like to commend you for taking steps to implement the International Code of Marketing of Breastmilk Substitutes and subsequent, relevant Resolutions of the World Health Assembly in South Africa.

The proposed “Regulations Relating to Foodstuffs for Infants and Young Children” will help to protect infants and young children, and their parents in South Africa.

Your action is a welcome sign that the Government takes its responsibilities under Article 11.1 of the International Code seriously. As you are no doubt aware, implementing the Code and Resolutions is also seen as an action helping a Government to fulfill its obligations under Article 24 of the Convention on the Rights of the Child.

I am aware that the regulations do not ban the marketing of breastmilk substitutes, they only ban their promotion to ensure parents receive independent information. This is in line with the provisions of the Code and Resolutions and national measures already introduced in many countries.

Media reports of an attack on the proposed Regulations by the Infant Feeding Association are extremely disturbing. Companies are being asked to do nothing that is not already required of them under the Code and Resolutions. Indeed, Article 11.3 of the Code requires them to abide by the Code’s provisions “independently of government action”. Such contempt for international standards and avoidance of their responsibilities, does the baby food companies no credit. It is clear they put their own profits before the health of infants.

I wish you well in your efforts to protect your population and hope to read in the near future that the regulations have been approved.

Yours sincerely,

***In January 2004, INFACT Canada gave asked its members to boycott Nestlé bottled water.***

***Don’t Buy Nestlé Bottled Water until Nestlé Stops Baby Bottle Death***

Nestlé is the world’s market leader in bottled water, owning 17% of the market share, and growing. We at INFACT recommend that you boycott ALL of Nestlé’s products, but should you wish to focus your boycott, you may wish to concentrate on not buying Nestlé’s bottled water. Bottled water is especially common in public and community settings such as offices and schools. We recommend that you tell your colleagues to not buy Nestlé bottled water, or try to get vending machines which sell it in the workplace replaced. If your office supplies the water, try to convince them to switch brands. Print out the Nestlé Boycott page on our website to give to those who may need some convincing. Nestlé’s bottled water division is a quickly growing sector of their company and it would be great if we were able to impede that progress until Nestlé markets their infant formula in accordance with the International Code of Marketing of Breast-Milk Substitutes.

Nestlé owns many brands of bottled water. They include: Perrier, S. Pellegrino, Acqua Panna, Contrex, and Vittel. In Canada they own local brands Aberfoyle and Montclair. In the USA they own local brands Poland Spring, Arrowhead, Ice Mountain, Calistoga, Deer Park, Great Bear, Ozarka, Zephyrhills, and Aberfoyle.

