

Nestlé's Violations of the International Code

In addition to being the world's leading food conglomerate, Nestlé is also the world's most offending violator of the WHO's International Code of Marketing of Breast-milk Substitutes. Nestlé consistently and prolifically defies the WHO mandate and deliberately undermines infant health. It has violated nearly every provision of the International Code. It's record of Code defiance is so extensive that it cannot be fully documented in this publication. What is presented here is a representative summary of Nestlé's immoral actions, which, taken as part of a larger pattern, displays systematic and blatant defiance of the Code. Nestlé's violations can be divided into three categories: promotion to the public, promotion through the health system, and improper labeling. On top of these actions, Nestlé has also tried to stop national governments from implementing legislation that would make the International Code law.

Promotion to the Public and Direct Contact with Mothers

It's difficult not to notice advertisements for Nestlé infant formula, but under the International Code, promotion of breastmilk substitutes to the public is prohibited. This practice is so widespread that it is very easily documented. Nestlé's frequently used methods of promotion include discounts on its products in shops, free gifts with purchase of certain products, advertisements in parent magazines, and distribution of leaflets to shoppers.

Yet some forms of promotion are even more aggressive and are more serious violations. Under the Code, direct contact between pregnant women or mothers with infant food corporations is forbidden. Nestlé actively engages in such sales practices. The company's recent internet promotion called "Nestlé New Mom Sweepstakes"

offered a shopping spree, a fancy dinner, and a free supply of formula to the winner. To enter the contest, new mothers had to give Nestlé their e-mail address, and presumably

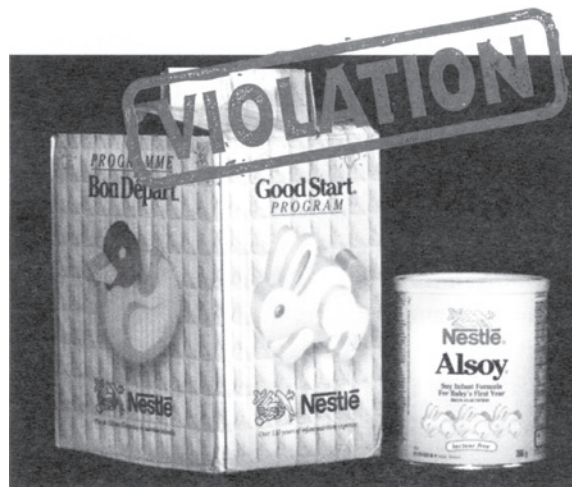
come in close contact with the company to receive their prize. In Canada, leaflets have been sent by mail to mothers which advise them to "start solids when it seems breasts are empty after breastfeeding." This is grossly erroneous advice, and is medically unsound. The World Health Organization recommends exclusive breastfeeding for the first six months of life, but the Nestlé publication, sent directly to mothers, seeks to undermine this advice and have mothers stop breastfeeding at an arbitrary point, thus increasing its sales of breastmilk substitutes.

The list of aggressive marketing tactics goes on. In Russia, infant milk cereals have been handed out at a city registry office where parents come to register their newborns. Nestlé has also started numerous "parent clubs" around the world. In Denmark in 1999, Nestlé was awarded the Best of Europe Award for Big Brand Marketing by a business magazine. The periodical lauded the company for its ability to evade health practitioners in Scandinavia. According to the article, Danish health authorities have traditionally been very effective in promoting

breastfeeding and most women in that country breastfeed their babies. Health workers are extremely wary of communications from companies like Nestlé, so Nestlé decided to target mothers themselves. Ads were placed in magazines and campaigns were held in supermarkets, hospitals, and maternity clinics. The



Billboard in a Mexican village near Xalapa



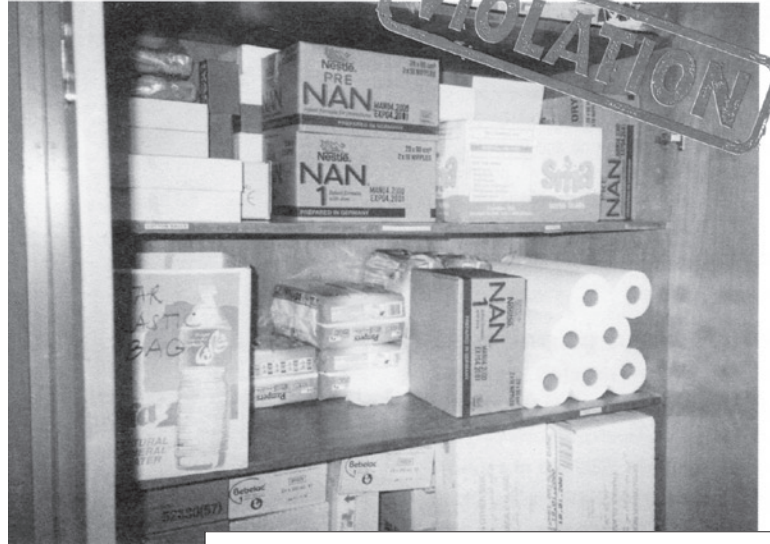
Samples mailed to mothers in Canada



Nestlé Boycott Action Kit



marketing techniques, according to the magazine, targeted mothers with four-month old children. Nestlé has claimed that formula is never marketed to children under six months old, the age at which solid foods are supposed to be introduced. In less than a year the membership for the Nestlé Parents Club rose from 10 per cent to 75 per cent of all Danish parents. Presumably the parents who joined the club were no longer breastfeeding. This type of direct contact with parents is a major violation of the Code, and in this case one that had extreme consequences.



Free samples in a doctor's office in the UAE.

Promotion Through the Healthcare System

Nestlé also promotes their products through the health care system. In an International Baby Food Action Network (IBFAN) global monitoring report published in 2001, the company was found to have distributed free supplies to health workers in nearly every country involved in the study. None of the samples were found to be for scientific research or evaluation, and as such are considered violations of the Code. Free supplies were also given to health care facilities. Diaries and pens with brand names on them have been donated to health care workers. In Pakistan, health facilities were given gifts such as air conditioners when they did business with Nestlé. In some parts of the world, such as Mexico, Italy, and the United Arab Emirates, the Nestlé brand name is seen on clocks, growth charts, and posters throughout hospitals. If it were abiding by the code, Nestlé would not be promoting itself in such places.

Recently in Argentina, Nestlé was found to be contacting doctors in order to promote their "Nutrition System," called NIDO. Letters were sent to health practitioners inviting them to enter a draw for a trip to Seattle. The form sent to doctors also

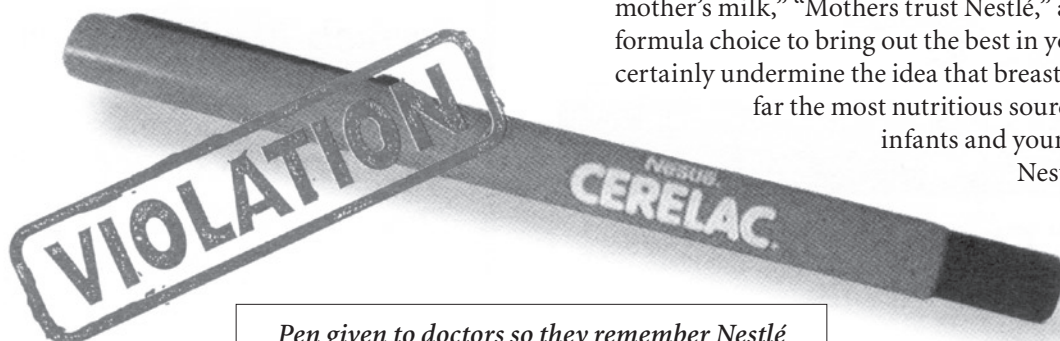
asked questions about their patients, and inquired about the number of children of specific ages that each doctor treated. The back of the letter instructed doctors: "Now think of your own growth. NIDO is also worried about your professional progress." This statement could easily be construed as an offer of compensation should the health workers cooperate with Nestlé. It could even be taken as a bribe.

Promotion of this kind through health care systems is particularly insidious because it leads people to believe that doctors as individuals, and the medical community as a whole, endorse Nestlé products. This is grossly misleading. The vast majority of medical knowledge condemns Nestlé products as inferior compared to breastmilk.

Improper Labeling

The third frequent way Nestlé violates the International Code is by improper labeling. Although there is the obligatory message stating that breastfeeding is the best choice for infants, labels often contain messages which idealize breastmilk substitutes or attempt to equate their nutritional value with breastmilk. Messages such as "Similar to mother's milk," "Mothers trust Nestlé," and "... ideal formula choice to bring out the best in your baby" certainly undermine the idea that breastmilk is by far the most nutritious source of food for infants and young children.

Nestlé has claimed to be taking



Pen given to doctors so they remember Nestlé



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Nestlé has claimed to be taking the initiative on the issue of six month labeling, and has promised to label its complementary food products as suitable only after that age. This claim does not hold, however, as both Hong Kong and Bulgaria recently reported labels stating younger ages. The campaign in Bulgaria features ads in magazines stating, “Sinlac Baby Menu is a cereal for dietary uses with plant proteins, without gluten, lactose and milk proteins. For every baby over 4 months.” In Côte d’Ivoire, Bolivia, Hong Kong, Italy, Togo, UAE, Uruguay, Malaysia, and Ghana, labels indicate that Nestlé’s complementary food products are suitable for babies as young as four months.

Where Nestlé does comply with six month labeling, the suitable age printed is often unclear. On Indian Nestlé products, the suitable age is listed in very small print on the side of the package. The front of the package displays a life stage, part of the Nestlé “1-2-3 feeding plan,” rather than an age in months.

are perpetrated proves that Nestlé continues to systematically and purposefully violate the International Code.

National Legislation

The International Code has been passed into law in 21 countries around the world. Despite Nestlé’s declaration that it “supports all governments in their efforts to implement the Code,” its documented violations persist.¹ This is a preposterous claim, considering the company’s actions in places like India and Zimbabwe. In 1995, the company filed a Writ Petition in India that challenged the validity of legislation that implemented the International Code. Nestlé argued that the legislation was unconstitutional. The hearing dragged on for years, and Nestlé adjourned the proceedings several times, as all cases brought against the company for International Code violations were suspended pending the outcome of the case. As Nestlé stalled the final decision, it continued its Code violations without fear of admonishment. This action was hardly in support of government efforts to implement the International Code, but eventually India did pass exemplary laws in compliance with the WHO mandate.

In Zimbabwe, the company took similar action, and held a meeting with the government during which it threatened to remove its operations from the country should the Code be implemented. In defiance of such coercion, Zimbabwe implemented its legislation anyway. Nestlé in no way supports the International Code being made into law, and when it can, it tries to stop its adoption by national governments.

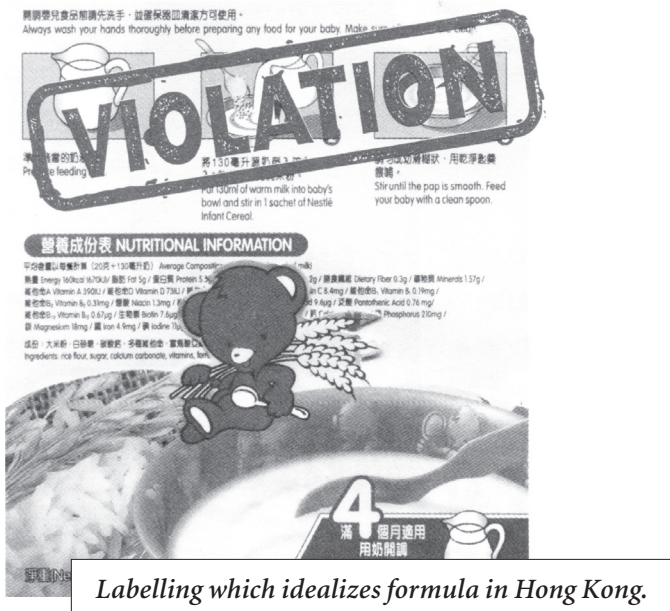
At the time of this printing, Nestlé had allied with other baby food manufacturers to try to oppose draft legislation that would implement the International Code in South Africa.

For a complete and systematic report on Nestlé’s recent Code violations, visit: <http://www.ibfan.org/english/codewatch/btr04/btr04contents.html>

¹ <http://www.babymilk.Nestlé.com/>

Sources:

Breaking the Rules, Stretching the Rules 2001. (IBFAN, 2001).
Milking Profits. (Islamabad: The Network, 1999).



Labelling which idealizes formula in Hong Kong.

Even the graphic depicting the life stage is obscured by placing it amongst a graphic of a cartoon train. It is obvious that Nestlé is aware of the rules, but is doing what it can to evade them. These types of violations ensure that solids are introduced into infants diets before the baby is ready for them. This causes babies to receive less highly nutritious breastmilk and can lead to serious health implications.

Such high numbers of violations, and the seemingly deliberate methods by which they