



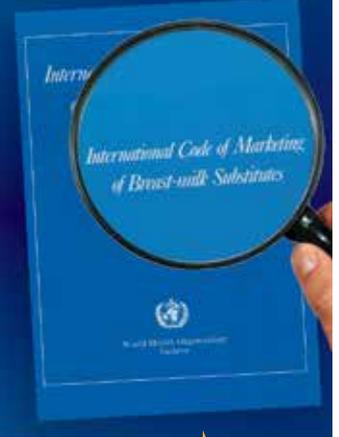
IBFAN

**INTERNATIONAL
CODE
DOCUMENTATION CENTRE**

IBFAN-ICDC
P.O. Box 19
10700 Penang, Malaysia
Fax: +604-890 7291
email: code@ibfan-icdc.org
web: www.ibfan-icdc.org

ICDC LEGAL UPDATE

Jan 2014



From ICDC's desk in Penang...

After spending 2013 researching companies, analysing our database and collating information, ICDC is proud and relieved to announce the completion of our latest global monitoring report, "**Breaking the Rules, Stretching the Rules 2014**" (BTR)

Yes, we actually reached the finishing line. Phew!

2013 has been an exceptionally busy year. The second half of 2013 sent ICDC for Code advocacy and training to Vietnam, Philippines, Malaysia, Laos and Greece. To finish the **BTR** by our deadline of December 2013, the office had to turn away a few jobs. We apologise to the groups and countries that requested our service in the last quarter and were asked to wait. The **BTR** had to be given priority as groups and individuals who contributed to our database deserved to have their monitoring efforts recorded. One way or another, Code violators must be named and held to account.

BTR 2014 is the result of three years of collective voluntary effort by individuals and IBFAN groups from all continents. After sieving out materials which failed our legal analysis and the more common violations, we counted 803 entries from 81 countries covering 27 companies.

Regretfully, as this is such a massive report we cannot afford to print. We are putting every chapter of the electronic reporting for sale. We hope our friends and supporters will help publicise the report to generate sales. If you believe in naming and shaming these companies and to keep monitoring alive, please help us to promote this report.

Since the entire report is 237 pages, we will be working on a smaller edition for advocacy purposes. We plan to launch it at this year's World Health Assembly and will send the summary version to all contributors and IBFAN groups. If you belong to either group and want to read the whopping full report, you can write to us at our new official email address: code@ibfan-icdc.org



Breaking the Rules 2014 is available for sale on www.ibfan-icdc.org

To whet your appetite, the companies in **BTR 2014** are:

Baby Foods : Abbott • Arla • Aspen • Danone
• Fonterra • Friesland • Hero • Heinz • Hipp
• Humana • Lactalis (Celia) • Liptis
• Mead Johnson • Nestlé • Novalac • Wyeth

Feeding bottles and teats : Avent • Bare
• Breastflow • Chicco • Dr Brown's • Doctor-baby
• Japlo • Mam • Medela • Nuk • Pigeon
• Tommee Tippee

We also are happy to announce our very own IBFAN-ICDC website after years of squatting on the main IBFAN website. We can still be located there if you dig deep enough but do pay a visit to www.ibfan-icdc.org and give us your feedback.

In the meantime, we give you the **BTR** highlights. Enjoy but be prepared to get upset, dismayed, outraged or incensed!

The Publication Team, IBFAN-ICDC.

Highlights from *Breaking the Rules, Stretching the Rules 2014*

PDFs of individual company reports are available for sale at our www.ibfan-icdc.org. The Executive Summary can be downloaded for free.

PROMOTION TO PUBLIC AND IN SHOPS

Social media – Twitter, Facebook, YouTube, Instagram, Google+ – provide a new avenue for companies to break the rules. These mobile and web-based technologies offer companies a plethora of opportunities to interact directly with pregnant women and mothers. Mobile software “apps” to be downloaded onto smart phones, tablets, laptops and PCs are used as direct promotional tools.



These apps violate the Code which specifically prohibits direct or indirect marketing to pregnant women and mothers.

Conventional modes of promotion continue and a recent study confirms that the decision to formula feed is strongly associated with exposure, to advertising.



This HiPP Bio Combiotik is advertised by the image of a breastfeeding mother and the text – “The first milk, not from mother, must be from HiPP”.

Product advertisements in newspapers and parenting magazines prevail. Increasingly, these ads ride on the goodness of breastmilk.

Companies are brazenly venturing into public places like shopping malls, exhibition halls to peddle their products. One company, Friesland, unveiled its new product packaging in metro stations and on an open top tram car. The same products in old packaging are then given away as samples. It also organised competitions for parents who purchase their products.



Classic street car promotion.

Old product packs become samples.



The winning family in a Friesland competition gets a free trip to Holland and become brand ambassadors.



Events featuring celebrity mums are favoured venues for promotion.



Feeding bottle and teat companies are no better at Code compliance as shown by the shop banners on the right.

PROMOTION IN HEALTH CARE FACILITIES

Practices such as free supplies, gifts and incentives to health workers finally received the bad publicity they deserve on Chinese TV September 2013. In one Chinese city alone, bribes were paid to 116 doctors and nurses across 85 medical institutions. The company in question, Danone - Dumex, had to accept full responsibility for the scandal. Danone blamed staff mismanagement and heads rolled but it is obvious that its marketing policy is not Code compliant.



Exposé by China's official TV station caused quite a stir when investigations revealed corrupt practices that systematically prevent babies from being breastfed.

Danone's Code violations in health care facilities are not confined to China. In other parts of Asia, Africa and Europe, the company has been found to be unabashedly promoting its products as well.



(left) Danone markets in hospitals in Cameroon under the guise of providing product information to mothers. In Ethiopia (right insert), Danone provides nurses uniforms which bear the company name. Alert nurses took to covering the Danone logo with a piece of cloth pinned to their uniforms (as modelled here by ICDC staff).

Danone getting caught in China is just the tip of the iceberg but it serves as a wake-up call to all companies to rein in their misbehaviour everywhere they do business.



By the Nestlé logo on the cot card, it appears like this Singaporean baby is assigned at birth to Nestlé.



Monitors found this Abbott Similac formula sample in a hospital in Laos.



In Malaysia, these Annum gifts were given to just one mother who happens to know a hospital staff. Imagine the amount the hospital have in stock.

Highlights from *Breaking the Rules, Stretching the Rules 2014*

PDFs of individual company reports are available for sale at our www.ibfan-icdc.org The Executive Summary can be downloaded for free.

LABELS AND CLAIMS

Labels have undergone changes across the board, sometimes to get around legal restrictions; other times to give a tired image a makeover. What persists are misleading and unsubstantiated claims.



Rosco, the **Similac** mascot, is being replaced by the Early Shield promotional device. Both symbols are idealising.

Playing on "high", attributes Chinese parents treasure, words such as "health", "intelligence" and "learning" are woven into the Chinese brand names of infant formula, follow-on formula and growing-up formula.



This newly launched US product - **Enfamil Newborn** for infants 0-3 months - has the endorsement, "#1 Pediatrician recommended brand" and the claim, "patterned after breastmilk".



In the UK, **SMA** pushes for mixed feeding with this statement - "When baby is not breastfed" or "to combination feed with breast milk"



Switched! In India, fat birds have migrated from formula to cereal products, while in Holland, Blue Bear, the mascot for complementary foods moved to the labels of follow-up formulas.



Forget the claims, even the brand name Hi-Q is idealising formula found in Laos.

What is apparent about labelling is that laws can work if they are strong and unambiguous even if there is poor enforcement. For example, in South Africa (where the law has yet to come into effect), Aspen's **Infacare** labelling carries idealising images and claims. In neighbouring Zimbabwe where a Code-based law has been in place for many years, the promotional features are absent.



Aspen **Infacare** labels in South Africa feature a cute baby bear in a diaper and make claims like "AA and DHA contributing to the development of our baby's brain and vision" and "prebiotics, probiotics and optimised protein to aid digestion".



Plain packaging in Zimbabwe even though the products are imported from South Africa and enforcement is generally lacking.

MISLEADING TEXT AND PICTURES WHICH VIOLATE THE CODE

Companies aggressively promote mixed feeding and draw similarities between their products and breastmilk in their information and educational materials.

Formula Products

Abbott Nutrition designs infant formulas to mimic the biological performance of breast-fed infants. These formulas, developed based on the best available clinical science, are some of the world's most trusted names.

VIOLATION



The Abbott website states that Similac infant formulas are designed to mimic the biological performance of breastfed infants "There's a Similac formula that's right for all babies,"



This Nestlé Gerber Chart in the US offers advice on how to achieve "supplementing goals in 1 to 14 days". Mums will be trapped into thinking that they will be able to maintain milk supply by supplementing when the opposite is true.

Det beste for barnet er morsmelk



In Norway, after declaring that breastmilk is best for babies, similarities are drawn between **Nan** and breastmilk - from content to growth patterns to reduced risk of overweight.

Information on complementary feeding steers parents towards early supplementation. Parents are encouraged to look for developmental milestones identified as "stages" which normally appear before a child reaches 6 months. Very often, companies like Nestlé send out the message that babies are ready for complementary feeding around 4 months.



A banner at a midwifery fair in Cameroon uses the image of newborn feet held by adult hands to promote an entire range of Cerelac products. The image contradicts global public health recommendations on infant and young child feeding.

Highlights from *Breaking the Rules, Stretching the Rules 2014*

PDFs of individual company reports are available for sale at our www.ibfan-icdc.org The Executive Summary can be downloaded for free.

INAPPROPRIATE PROMOTION

The World Health Assembly in resolution 63.23 [2010] specifically called on governments to end inappropriate promotion of foods for infants and young children and to ensure that nutrition and health claims are not permitted. No form of promotion involving foods for infants and young children can be considered “appropriate”. However, to illustrate the resolution, the “Inappropriate promotion” section in BTR focuses on growing-up milks (GUMs), the fastest growing segment of baby foods. It shows how GUMs promotion is anchored by prohibited claims. As the global recommendation for breastfeeding is to continue up to two years or beyond, GUMs, which do not bring additional value to a balanced diet for young children, come under the scope of the Code. Hence, promotion of GUMs are Code violations.



In Malaysia as elsewhere, the “science” behind bright kids is choked with claims and mostly on the mind. A play on the psychology of parents with purchasing power who want ‘the best’ for their kids.



In Thailand and Malaysia, Mead Johnson introduced a new campaign called Enfa Brain Expo Mind Maps. Exhibitions on the human brain and workshops for children on Mind Mapping show how to unlock the 4 traits of a genius - BETTER problem solving, SHARPER visual acuity, HIGHER intellectual development and FASTER language skills. All of that of course with the help from **Enfagrow**.

In Mexico, a **Nido** billboard shows a ‘clever’ child on a cellphone and the slogan “behind every excellent child is an excellent mother”. The **Nido** packshot implies it is the product, (not the mother), which helps “foster their mental development”.



Heinz promotes **Nurture Gold** as “The only toddler milk drink in Australia with both prebiotics and probiotics to support healthy digestion.” Happy digestion means a happy baby.

In Ethiopia, a Wyeth leaflet proclaims, “Her teacher says she’s always asking questions in class”. It equates intelligence with **S-26 Progress Gold 3**. “Feed her imagination” the leaflet tells mums, “while we nurture her mind”. The leaflet claims that **S-26 Progress Gold 3** contains **Biofactors System**, a unique combination of nutrients to support the child’s growth at every stage of life. To cap it all, the Wyeth promotional slogan, “Feed their potential” appears on the leaflet.



Glamour sells. In Myanmar, an ad uses two famous local celebrities and their first child to promote a range of **Dumex** growing-up milks.



SPONSORSHIP OF HEALTH PROFESSIONAL AND PUBLIC HEALTH PROGRAMMES

Companies forge links with health professionals by providing them with contributions for their professional development. Their attendance at professional conferences and the perks that come with such events are amazingly easy to find now that such information can be easily tracked on Facebook and other electronic communication channels.



These health professionals stand by Mead Johnson's quest to nourish the world's children - for the best start in life.



This gift from Mead Johnson will be remembered and repaid many times over.

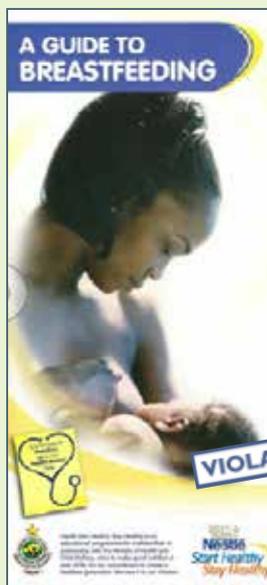
One company, **Liptis**, the makers of **Liptamil**, actually sent the same marketing person around the Middle East to give away attractive prizes like digital cameras and laptops.



This **Liptis Nutrition** event in Istanbul cultivates doctors. The same marketing person is seen giving goodies away ...



... in Iraq (left), in Lebanon (centre) and the UAE (right)



Current market liberalisation policies have ushered in an era of new relationships between the state and markets. The private sector is increasingly being invited to participate in health programmes. When companies support health authorities in their programmes, it conveys an impression of the company as being “health giving” even if their products may cause net harm to children’s health. Accepting sponsorship helps burnish the image of companies whose products contribute to cause of problems.

Contrary to global public health recommendations, the emphasis on this Zimbabwean MoH/Nestlé leaflet is on breastfeeding for the first 6 months only. There is no mention about the importance of continued and sustained breastfeeding.