

NESTLÉ AND THE INTERNATIONAL CODE: WHERE DO THEY DIFFER?

A dozen ways in which Nestlé misinterprets the International Code.

ICDC has compared the Nestlé Policy and Instructions (on implementing the Code – published July 2010) to the provisions of the International Code. This is a summary of that analysis*: a dozen ways in which the company misinterprets the Code and thus creates opportunities for continued promotion.

International Code	Nestlé Policy and Instructions
1. Applies to all countries as a minimum standard.	Make an unwarranted distinction between "lower-risks" and "higher-risks" countries to guide its marketing conduct
2. Applies to all breastmilk substitutes, including other milk products, foods and beverages marketed to replace breastmilk. Marketing of complementary foods should not undermine exclusive and sustained breastfeeding.	In higher risk countries, Nestlé applies the Code only to infant formula and follow-up formula formula marketed for "healthy" babies below 12 months, thus paving the way for special formulas to be promoted. Complementary foods should not be marketed for use before six months in higher risk countries. In lower risk countries, Nestlé follows national measures.
3. WHA resolutions require governments to avoid conflicts of interest in infant and young child health programmes, so infant and young child feeding materials sponsored by baby feeding companies should not be approved. (read with WHA 58.32 [2005])	Allow for educational materials with corporate logos for use by health workers in teaching mothers about infant feeding. Allow for baby pictures "to enhance educational value of information."
4. No promotion to the public including no direct or indirect contact with pregnant women and mothers of infants and young children.	Only solicitation of direct contact with pregnant women and mothers of infants below six months is prohibited.
5. No promotion in the health care system.	Allow for company "Mother Books" and "Posters" with corporate logo to be distributed to mothers by health workers or displayed in health facilities.
6. No donation of free formula or other breastmilk substitutes to any part of health care system. (read with WHA 47.5 ['94])	Prohibition limited only to infant formula and follow up formula and where national ruling allows, may respond to written requests.
7. There should be no promotion of products or company materials in the health care system.	Low cost items such as wristbands, feeding bottles, health cards etc. with corporate logo allowed.
8. Promotion of breastfeeding is the responsibility of health workers who may not accept financial or material inducements. Marketing personnel may not perform educational functions in relation to pregnant women and mothers of infants and young children.	Allow cooperation in these efforts by providing videos, posters, brochures, breastfeeding booklets, growth charts, etc. Token gifts where value would not "constitute an inducement" permissible. Company personnel may provide information on weaning practices and complementary feeding.
9. Samples only allowed if necessary for professional evaluation and research.	Allow samples to introduce new formulas, new formulations and samples for new doctors and for "clinical validation" of products.
10. Sponsorship contributions to health workers must be disclosed and not give rise to conflicts of interest. (read with WHA 49.15 [1996] & 58.32 [2005])	On a case by case basis, financial support is allowed (Instructions do not mention disclosure).
11. Labels must follow preset standards and not discourage breastfeeding.	Company labelling guidelines allow for promotional devices on labels
12. Governments to implement national measures as appropriate to social and legislative framework, including legislation and regulation.	Nestlé Market Managers should "encourage" introduction of national codes** This means lobbying for unenforceable voluntary agreement rather than laws.

* The full ICDC analysis of the Nestlé Policy and Instructions can be obtained from IBFAN-ICDC at ibfanpg@tm.net.my.