

## Promotion to the public

There should be no advertising or other form of promotion of products. There should be no point-of-sale advertising, giving of samples or any other promotional device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, lossleaders and tie-in sales. Marketing personnel should not seek direct or indirect contact with pregnant women or with mothers of infants and young children. (Article 5).



No product is mentioned or shown in this Nestlé advertisement from Australia, but the subliminal message is clear. The ad shows a baby wearing a bib which proudly proclaims “My mummy got the right formula”. The ad briefly talks about breastmilk in glowing terms but betrays its true intentions with a longer write-up about the benefits of ingredients found in Nestlé infant formula products.



Distributed at a parenting fair in Singapore, the leaflet makes several claims such as *Beyond optimal nutrition, Supporting Natural Protection and Reducing the Risk of Allergies*. Other idealising statements which claim **NAN H.A. 2** supports brain and eyesight

development, enhances growth and reduces less health related problems are also contained in the leaflet. Why wouldn't parents want **NAN H.A. 2**?



This ad from Motherhood magazine in Singapore entitled “It is every mother’s natural instinct to protect her children” cleverly juxtaposes a child in protective gear with cans of **NAN 2** and **NAN 3**. The ad contains idealizing claims such as “helping to maintain a healthy digestive system” and “protection against harmful bacteria in the digestive system”. It’s no surprise if mom chooses NAN.

## Promotion at point of sale

• Article 5.3 of the Code bans promotional devices at the retail level.



The ‘Nestlé Resting House’ in China have special displays which offer customers an endless array of Nestlé products including **Lactogen 1**, **Lactogen 2**, **Nan 1** and **Nan 2**. The outlet is located within a hospital.



Outside the ‘Nestlé Resting House’ in China, a large blue bear banner cut-to-fit a flight of stairs arches over the entrance, while a pair of blue bears on both sides of the door welcomes visitors. Since this outlet is located within

a hospital where new mothers gather, promotion of complementary foods will undermine exclusive and sustained breastfeeding. The Nestlé name found displayed on the banner is used prominently on formula labels. As such, the banner also indirectly promotes formula products.



In Vietnam, Nestlé ensures its products, **AL 110, Pre NAN, NAN 1, NAN 2, Lactogen 1 and Lactogen 2** receive maximum visual impact in shops by entering into contracts with shop owners which dictate the placement (at eye level) of the products in the shops. Shopkeepers are given four display options: diamond (124 tins; rental value 700,000 VND or US\$43/-), platinum (64 tins; rental value 300,000 VND or US\$19/-), gold (34 tins; rental value 150,000 VND or US\$9/-) and silver (24 tins; rental value 100,000 VND or USD\$6/-). Nestlé determines the quantity of

each brand to be displayed under each of the four categories. For the diamond and platinum displays, Nestlé gets to issue instructions on the decor of the displays and will support the shops with an unspecified nutrition programme. Payment for rental space is a convoluted arrangement whereby a 'coupon-receipt' will be issued to shops each month for exchange with Nestlé products. Special displays are a promotional device prohibited by Article 5. 3 of the Code. The health authorities in Vietnam have confirmed with ICDC that this practice is also a violation of their national decree.

## Promotion in health care facilities

### No Gifts to Mothers or Health Workers

Manufacturers and distributors should not distribute to pregnant women or mothers of infants and young children any gifts which may promote the use of products. No financial or material inducements to promote products should be offered to health workers or members of their families. Financial support and other incentives for programmes and health professionals working in infant and young child health should not create conflicts of interest. Research on infant and young child feeding which may form the basis for public policies should contain a declaration relating to conflicts of interest and be subjected to independent peer review. (Articles 5.4, 7.3, WHA 49.15 [1996] and WHA 58.32 [2005])

### No Promotion to Health Care Facilities

Facilities of health care systems should not be used to promote products. Nor should they be used for product displays or placards or posters concerning such products, or for the distribution of materials bearing the brand names of products. (Articles 6.2, 6.3 and, 4.3).

### No Promotion to Health Workers

Information provided to health professionals by manufacturers and distributors should be restricted to scientific and factual matters, and should not imply or create a belief that bottle feeding is equivalent or superior to breastfeeding. Samples of products or equipment or utensils for their preparation or use, should only be provided to health workers for professional evaluation or research at the institutional level. (Articles 7.2, 7.4 and WHA 49.15 [1996])



A 'blue bear' poster found in a maternal and child health hospital announces the "2nd Race for Baby Swimming and Baby Touch". The event for babies under three and half months was organised by the hospital and funded by Nestlé. The Blue Bear mascot promotes Nestlé cereal products and the event will attract mothers with young babies which may undermine exclusive and sustained breastfeeding. The Nestlé name found displayed on the banner is used prominently on formula labels. The event also confers medical endorsement of Nestlé products.



A foldable leaflet found at a health institution in China doubles as a colourful promotional tool and a height chart. Although the pack shots shown on the height chart is Lactogen 3, the height chart also refers to Lactogen 1 and Lactogen 2 and carries idealising statements such as "balance ratio of DHA ARA good for babies and clever brain." Lots of pictures and charts.

Article 12 of the Chinese Regulations forbid medical and health institutions from accepting gifts and donations from manufacturers and distributors for the promotion of products.



This credit card shaped CD and accompanying booklet introduces the Nestlé Nutrition Institute website to health professionals in China. When accessed, the CD encourages health

professionals to sign on as privileged members of the NNI to receive full benefits. Among other things available online are NNI publications, upcoming nutrition events notification and scholarships. Many scientific articles are also available online for free.



This attractive display, replete with samples, pamphlets and a large banner, advertises itself as a one-stop counter for mothers-to-be in a hospital. On display are **Pre Lactogen**, **NAN 1**, milk for pregnant moms and promotional leaflets.

Article 7 of the Chinese Regulations forbid the distribution of samples and gifts in health institutions.



This leaflet was distributed to a health worker in a general hospital in Hong Kong. It promotes Nestlé infant cereals "from 4 months onwards or whenever baby is ready", blatantly implying that complementary foods could be given to babies before 6 months.

## Misleading text and pictures which violate the Code

- Article 4.2 requires all information material to advocate for breastfeeding and not contain pictures or text which idealises the use of breastmilk substitutes.
- For health professionals, Article 7.2 of the Code only allows product information which is factual and scientific.



Baby has two reasons for smiling! This leaflet showing a happy looking baby on a potty carries the reassuring claim that **AL110** is not only created for babies with lactose intolerance, but also possesses similarity with breastmilk.

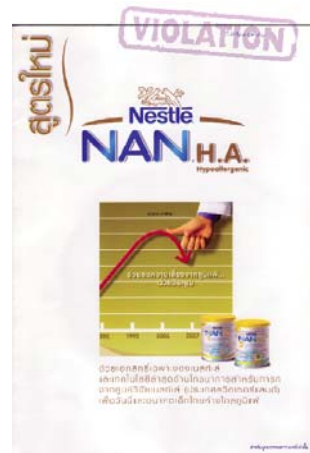


This Nestlé leaflet uses clever wordplay "2 highs & 1 low" to promote **Pre Lactogen** to describe the product's "high rate of absorption", "high nutrition density" and the "low risk for metabolism", all of which are idealising claims.



A beautiful picture of a mother and her baby perfectly complements the

claim that **NAN 1** and **NAN 2** "Helps the development of baby's brain and retina, and adjusts the immunologic function." The idealising picture is seen on the flap of a Nestlé leaflet found in a health institution. When the flap is opened, the 'NAN Bifidus DHA ARA Protect Start shield', a promotional logo for the products, can be seen on the reverse. The inside of the leaflet uses a chart to compare DHA ARA levels of formula favourably with breastmilk.

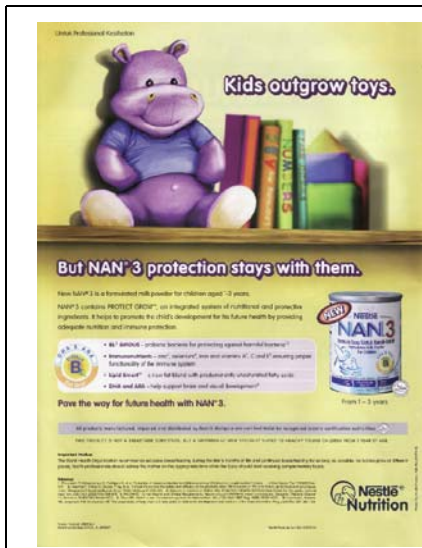


In Thailand, Nestlé raises the alarm that the incidence of allergies has dramatically increased and that **Nan H.A.** offers a state-of-the-art nutrient system and is the preventive measure all parents should take.

# Stretching the rules

The aggressive promotional tactics for growing-up milks and other products which are not within the scope of the Code indirectly promote infant and follow-on formulas bearing the same (or similar) names and logos. These practices undermine breastfeeding and are highlighted in this section along with practices, such as sponsorship, which give rise to conflicts of interest.

- WHA resolutions 49.15 (1996) and 58.32 (2005) warn against conflicts of interest where financial support or other incentives are given for programmes and health professionals working in the area of infant & young child health.



This ad from the Journal of *Pediatrics, Obstetrics & Gynecology* in Malaysia bearing the slogan “*But NAN 3 protection stays with them*” not only will “*pave the way for future health*” but is also an indirect way of promoting the infant formula and follow-up formula of the same range, **NAN 1 and NAN 2.**



In Singapore, Nestlé sidesteps the prohibition to contact mothers directly through the promotion of its complementary foods on its Nestlé Baby Club website. Members receive Nestlé ‘goodies’, a newsletter on baby nutrition and “*sound advice on good nutrition*”.

