

Hazel Blears, MP
Parliamentary Under-Secretary of State for Public Health
Department of health
Richmond House
79 Whitehall
London
SW1A 2NL



Thursday, August 1, 2002

Dear Hazel Blears,

Legality of Nestlé's HA Hypoallergenic claims.

We are writing on behalf of our respective organisations to express our concerns about claims being made in relation to new breastmilk substitutes being launched on the UK market in August.

The milks in question are Nestlé's Nan HA Hypoallergenic infant formula and follow on formula. These contain partially hydrolysed proteins and are quite different to the milks containing fully hydrolysed proteins which have been shown in some pieces of research to have some benefit for atopic infants who are not breastfed. It is our belief that the HA Hypoallergenic brand name is a promotional and misleading claim and should not be permitted.

The terms 'HA' and 'hypoallergenic' have been the subject of considerable debate and concern amongst allergy specialists for many years and are not generally understood by the public. We believe that there is a danger that British mothers will be misled into thinking that products marked as 'HA' or 'Hypoallergenic' will not cause allergies and may even prevent them.

In fact, Nestlé used similar tactics to break into the US infant formula market in 1988, when it launched its Carnation Good Start HA, milks using similar hypoallergenic claims. Several allergic babies suffered from anaphylactic shock as a result, prompting nine US States and the Food and Drug Administration to investigate. Attorney General Robert Abrams found that the advertisements used could mislead even medical professionals since the company cited studies that did not adequately support its claims. He concluded that the claims were "Misleading, deceptive and unfair" and that while the word 'hypoallergenic' means 'less likely to cause allergic reaction' many consumers interpret the word to mean that the formula could not cause an allergic reaction. Mr Abrams referred to Nestlé's "eagerness to break into the lucrative US infant formula market" and said that "those babies who had severe reactions to Carnation Good Start have paid a high price for the company's irresponsible conduct."

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Member organisations: Association of Breastfeeding Mothers - Association for Improvements in the Maternity Services - Association of Radical Midwives - Baby Milk Action - Breastfeeding Network - Food Commission - Community Practitioners and Health Visitors' Association - Lactation Consultants of Great Britain - La Leche League (GB) - Maternity Alliance - Midwives Information and Resource Service - National Childbirth Trust - Royal College of Midwives - Royal College of Nursing - Royal College of Paediatrics and Child Health - Unicef UK Baby Friendly Initiative.

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We are aware that in 1996, after much pressure from the baby food industry, the EU Directive on infant formulas (91/321/EEC) was amended to allow a claim about a “reduction of risk to allergy to milk proteins” provided it meets certain criteria. Although the industry at the time was lobbying for the inclusion of the words ‘HA’ and ‘hypoallergenic,’ the terms were not specified. We believe there is therefore no legal basis for using them. Furthermore, British infants should not receive even less protection than those living in the US and Canada (where no legislation has been implemented in response to the International Code of Marketing of Breastmilk Substitutes and its Resolutions).

These milks are unnecessary, and the claims being made are misleading and we call on the Department of Health to take steps to stop the marketing of these products in the UK.

Yours sincerely

On behalf of the following organisations:

Pam Lacey, Chair, Association of Breastfeeding Mothers
Beverley Beech, Hon Chair, Association for Improvements in the Maternity Services
Penelope Samuel, Association of Radical Midwives
Patti Rundall, Policy Director, Baby Milk Action,
Phyll Buchanan, Trustee, Breastfeeding Network,
Tim Lobstein, Director, Food Commission
Alison Blenkinsop, Lactation Consultants (GB)
Phoebe Tait, Director, La Leche League
Vicky Carne, Head of Midwifery, Midwives Information and Resource Service
Belinda Phipps, Chair, The National Childbirth Trust,
Andrew Radford, Programme Director, UNICEF UK Baby Friendly Initiative

To be confirmed Karlene Davies, General Secretary, Royal College of Midwives