UK formula marketing practices
Quarterly round up from the BFLG monitoring project
May 2008

Prepared by Baby Milk Action on behalf of BFLG, a coalition of 22 health worker organisations and mother support groups
The BFLG monitoring project

The Baby Feeding Law Group provides information and training to health workers and members of the public on how to monitor baby food marketing practices against international standards and UK legislation.

Monitoring results appear in this and other BFLG reports such as Look What They’re Doing in the UK, Hard Sell Formula and Protecting breastfeeding - Protecting babies fed on formula.

The project began with the help of a grant from the King’s Fund and is currently funded, at a low level, by donations from members of the public.

Produced by Baby Milk Action for the Baby Feeding Law Group

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BFLG Member organisations

Association of Breastfeeding Mothers (ABM)
Association for Improvements in the Maternity Services (AIMS)
Association of Radical Midwives (ARM)
Baby Milk Action (BFLG secretariat)
Best Beginnings
Breastfeeding Community
Breastfeeding Network (BfN)
Community Practitioners and Health Visitors Association (CPHVA)
Food Commission
Lactation Consultants Great Britain (LCGB)
La Leche League Great Britain (LLLGB)
Little Angels
Midwives Information and Resource Service (MIDIRS)
National Childbirth Trust (NCT)
Royal College of Nursing (RCN)
Royal College of Midwives (RCM)
Royal College of Paediatrics and Child Health (RCPCH)
The Baby Café
UK Association for Milk Banking (U.K.A.M.B)
UNICEF UK Baby Friendly Initiative (BFI)
UNISON
Women’s Environmental Network (WEN)
Action needed to stop illegal practices

BFLG monitoring reports

The purpose of this monitoring report is to set out some current and recent baby milk marketing practices to assist Trading Standards Officers in taking action. Baby Milk Action has produced monitoring reports on behalf of Baby Feeding Law Group (BFLG) in the past focusing on violations of the Code and Resolutions to justify strengthening regulations (see page 2). This report is different as it is restricted to practices believed to break the much narrower UK regulations.

The report is divided into sections on the major companies operating in the UK. The first section includes key text from the Infant Formula and Follow-on Formula Regulations and associated Guidance Notes.

Updates are planned every three months to track new marketing strategies and to demonstrate the success or otherwise of action taken by the Trading Standards offices that are home authorities for the companies concerned. The report is being sent directly to them as well as to LACORS, the umbrella body, which has convened a home authorities working group.

The report will also be sent to a review panel convened by the Food Standards Agency to evaluate the effectiveness of the Regulations. These were revised in 2007, but did not respond to the call by BFLG members and other health advocates to bring these into line with the International Code of Marketing of Breastmilk Substitutes and subsequent, relevant Resolutions of the World Health Assembly. The United Nations Committee on the Rights of the Child and the UN Special Rapporteur on the Right to Food also called for the Code and Resolutions to be implemented in the UK.

For detailed analysis of the Regulations, what is required to bring them into line and the possible health and economic benefits of doing so, see the BFLG report Protecting breastfeeding - Protecting babies fed on formula, which was submitted to the FSA consultation on the Regulations.

Inaction has led to widespread abuses

In the history of the Infant Formula and Follow-on Formula Regulations, first introduced in 1995, there has only been one prosecution of a baby food company, that of Wyeth/SMA in 2003 by Birmingham Trading Standards for illegal infant formula advertising. Despite the company being convicted of a ‘cynical and deliberate’ breach of the regulations, no other company has been prosecuted, even though similar advertisements being run by most of them. The Wyeth advertisement did not refer explicitly to the company’s infant formula, SMA Gold, but gave pointers to it. The same is true of many of the advertisements in this report, which are branded with the names and logos used for infant formula and direct the public to websites where the full range of products are promoted.

Action is also long overdue on labelling. In 2006 the manufacturers were reminded by the FSA that claims are only allowed on formula labels if explicitly listed in Appendix IV of the Regulations. Companies produced new labels in 2007 with non-compliant claims such as ‘with prebiotics’ and ‘inspired by breastmilk’, with apparent impunity - a year later these labels are still on the market and new non-compliant ones are being produced. The label shown here has just been launched by Danone (Cow & Gate brand).

Amongst the prohibited claims, text and images, is the lamb. Such images are not required to identify the product or as part of the instructions. As the images on the cover of this report show, cute animals are a common marketing strategy.

While the list has been updated in the 2007 Regulations, it remains true that only claims appearing on the list may be used. Action at the High Court has put back the date by which companies have to comply with the labelling provisions until 2010. But as current labels comply with neither the 1995 nor the 2007 version of the Regulations there is no excuse for inaction.

Good Night milks - a new marketing strategy

A new marketing strategy from Danone and Hipp is the introduction of so-called Good Night milks. These are promoted as guaranteeing babies sleep through the night. The name itself is a health claim and the marketing undermines breastfeeding and misleads parents who use formula. See the BFLG briefing paper examining the ingredients of these formulas and the claims made for them.

It is already the position of the Department of Health that follow-on formula is an unnecessary product. The review panel should consider whether current regulations can deal with such strategies and recall the recommendations of the Government’s Scientific Advisory Committee on Nutrition (SACN):

SACN comments on the formula regulations

“There is no case for allowing the ‘advertising’ of follow-on formula... there is no scientific evidence demonstrating nutritional advantage of this product over infant formula...[both these] are breast milk substitutes as defined by the Code (which sets no upper infant age limit on this term)...We find the case for labelling infant formula or follow on formula with health or nutrition claims entirely unsupportable. If an ingredient is unequivocally beneficial as demonstrated by independent review of scientific data it would be unethical to withhold it for commercial reasons. Rather it should be made a required ingredient of infant formula in order to reduce existing risks associated with artificial feeding. To do otherwise is not in the best interests of children, and fails to recognise the crucial distinction between these products and other foods.”

Danone
Brands: Aptamil, Cow & Gate, Milupa

Snapshot

Danone UK address:

Danone UK,
PO BOX 4261,
Reading,
RG8 9ZZ,
UK.

Trading Standards Home Authority

Wiltshire County Council was responsible for Milupa and Cow&Gate. Now Danone has bought NUMICO, this may change.

Recent UK action

The Advertising Standards Authority\(^1\) ruled against a Cow&Gate follow-on formula advertisement containing the claim: “Our range of follow-on milks all contain a bunch of goodies called prebiotics to help build natural defences.”

Other developments

Danone purchased NUMICO, the owner of Nutricia, Milupa and Cow&Gate brands, in 2007. It has promised the International Baby Food Action Network (IBFAN) a ‘root and branch review’ of NUMICO practices, but has so far refused to give an undertaking that it will bring them into line with the World Health Assembly’s minimum standards.

The next report will give feedback on any action taken on the cases highlighted.

Magazine advertising - ignoring ASA rulings

A Cow & Gate follow-on formula advertisements in Mother and Baby and Practical Parenting in March 2008 states: “Immune system under construction. Cow & Gate follow-on milks support your baby’s natural immune system.”

Yet, the Advertising Standards Authority (ASA) warned Nutricia/Cow & Gate in November 2006 about claims in its follow-on formula advertising, stating: “We noted much of the evidence sent by Cow & Gate was associative, rather than showing causality, ... Because they had not sent evidence to show a direct link between an infant taking their formula and it helping to build defences against a number of everyday illnesses or conditions to which they were susceptible, we considered that Cow & Gate had not substantiated the claim.... We told Cow & Gate to amend the ad to make clear that the product could help build “some” and not “all” natural defences.”

Similar claims are made for Aptamil follow-on formula in the same magazines: “After 50 years of research into breastmilk, our Aptamil research experts have developed IMMUNOFORTIS, a patented mix of special prebiotics. This unique formulation helps to support your baby’s natural immune system, making it the best follow on milk.”

\(^1\) http://www.asa.org.uk/asa/adjudications/non_broadcast/Adjudication+Details.htm?Adjudication_id=41915
The above advertisement for Aptamil follow-on formula appeared in *Mother and Baby* and *Practical Parenting* March 2008 editions.

Advertising for Aptamil and Cow & Gate follow-on formula breaks the provisions of the 1995 and 2007 Regulations as it idealizes infant feeding and undermines breastfeeding by drawing equivalence between the product and breastfeeding. For example, the Aptamil advertisement above states: “You protect him from the outside; now you can help support him from the inside with Aptamil Follow on milk. After 50 years of research into breastmilk, our Aptamil research experts have developed IMMUNOFORTIS, a patented mix of special prebiotics. This unique formulation helps to support your baby’s natural immune system, making it the best follow on milk.” [emphasis added]

Guidance Notes

70. To minimise the risk of consumers making a connection between follow-on formula and the act of feeding infants from birth, information in advertisements for follow-on formula should not include pictures or text which relate or compare follow-on formula to breastmilk. [emphasis added].

Infant formula and follow-on formula regulations

Follow-on formula advertising shall: “(a) be designed to provide the necessary information about the appropriate use of the product so as not to discourage breast feeding; and (b) not contain the terms “humanised”, “maternalised”, “adapted” or any similar term. 2007 and (almost identical) 1995 regulations.

Advertising for Aptamil name appearing on the flier is exactly the same as used on infant formula labels. In addition, the attempt to present the company as an alternative source of information and educational materials to the health care system is a breach of section 24 of the Infant Formula and Follow-on Formula Regulations, which state such materials must not refer to infant formula brand names and (continued overleaf...)

Guidance Notes

67. Any general advertisement placed by a manufacturer must not feature a brand name, trade mark, business name or logo uniquely [?] associated with an infant formula or mention breastfeeding. If this advertisement includes a response mechanism this must be of an ‘opt-in’ type, so that only parents or carers actively requesting information on infant formula milks can be sent this information and nothing else. Attempting to solicit requests for information, providing information on products outside the scope of the initial enquiry or making undue references to proprietary infant formula brand names in a response to a request for product information is considered advertising and is not permitted under regulation 21. [emphasis added]
may only be distributed through the health care system, with prior permission. Aptamil is an infant formula brand name, as the pack shot in this report shows.

Infant formula and follow-on formula regulations

24 (4) No manufacturer or distributor of an infant formula shall make a donation of any informational or educational equipment or materials except in accordance with the following conditions—

(a) the donation shall be made following a request by the intended recipient;
(b) the donation shall be made with the written authority of the Secretary of State or in accordance with guidelines drawn up by the Secretary of State;
(c) the equipment and materials shall not be marked or labelled with the name of a proprietary brand of infant formula; and
(d) the equipment or materials shall be distributed only through the health care system.

2007 and 1995 regulations.

There may be some ambiguity over whether the materials referred to in Aptamil and Cow&Gate advertising should be viewed as advertising or information materials. In both cases they should not refer to infant formula. If information materials, they should be authorised by the Secretary of State for Health. It would be useful to know if such authorisation has been obtained.

Guidance Notes

77. The following is a list of some of the types of materials which, if they provide information or are educational, would be controlled by regulation 24(4) and require approval from the Secretary of State before formula manufacturers donate them to third parties:

- CDs and DVDs
- Wallcharts, posters
- Booklets or leaflets which are designed for reference purposes
- Electronic files that can be downloaded directly from a website

Gifts and baby clubs

The Danone companies use gifts such as this Aptamil polar bear to promote their formula brand names and to encourage mothers to visit websites and sign up for information promoting infant formula. Promotional gifts are prohibited by the Regulations.

In the example below from *Mother and Baby* magazine March 2008, pregnant women are offered a cow soft toy for signing up to receive company materials. The branding used for infant formula is promoted.

The same strategy of promoting the infant formula brand name and encouraging mothers to visit the company website to sign up to receive information is used with advertisements placed on third-party websites as with this example on a parenting site.

Mothers have also been targeted in supermarkets, where Cow & Gate branded gifts such as dummies and growth charts have been distributed. The example below is from Sainsbury’s in September 2007.
Cow & Gate Good Night milk launch

A major promotion has been launched for the new product Cow & Gate Good Night milk (see BFLG briefing on these products).

The advertisement shown left appeared in the celebrity magazine *Reveal* in March 2008. It is dominated by the idealizing text and image implying that infants fed on the formula will sleep, playing on a parents insecurities and concerns about night feeding. The name itself is an idealising claim about the product.

The ad states: “New Cow & Gate good night milk has been specially developed to help settle your baby at bedtime. Thicker than regular follow-on milk, but gentle on your baby’s tummy, it provides a warm, contented and satisfying end to the day.”

This undermines the Department of Health recommendation to continue breastfeeding beyond 6 months. As the briefing explains, there is also concern over the composition of these products.

The launch has been backed by special displays and discounts, such as that shown in Boots, above right, in April 2008. The flier shown right is promoting the formula in Morrisons in March 2008.

The product is also being used to encourage mothers to visit the Cow & Gate website where the full range of products is promoted. The 12-page leaflet left, distributed in Boots, promotes Cow & Gate as a source of information on infant care.

Labelling

UK regulations permit health and nutrition claims only if they are specifically referenced in Annex IV of the *Infant Formula and Follow-on Formula Regulations 1995* or in the similar annex to the more recent Directive 2006/141/EC. Cow & Gate and Aptamil infant formula labels use claims that are listed in neither, including:

- IMMUNOFORTIS/prebiotics (Aptamil)
- With prebiotic care (all brands)
- For comfortable digestion (Cow & Gate comfort)
- Good Night (formula name implying sleep benefits)

Labels use idealizing images, such as the shield and polar bear on Aptamil formula (see overleaf and front cover). No labels currently on the UK market provide warnings and instructions to reduce risks of possible intrinsic contamination of powdered infant formula with harmful bacteria.

New formula labels, still with prohibited claims, have been introduced for Comfort and Cow & Gate branded formulas this year, despite the industry’s claim in the High Court that it could not comply with the 2007 Regulations for 2 years because of the time it would take to change labels. As all labels on the market are non-compliant Trading Standards should advise the company to recall and replace the products immediately.

Labels contain idealizing text which undermines breastfeeding. For example, Cow and Gate comfort states:

“Why should I choose Cow & Gate Comfort 1? Some babies have sensitive tummies and need a formula to gently aid comfortable digestion. Cow & Gate comfort 1 has been specially formulated to be more easily digested. It is a thicker feed which will help your baby swallow less air whilst feeding, thereby aiding comfortable digestion.”

The label draws equivalence with breastmilk: “Not all milks are the same. Cow & Gate milks contain prebiotics, special nutrients that are similar to the ones found in breastmilk and some fruit and vegetables. Breastmilk is special because it strengthens a baby’s natural immune system, helping them to fight off bugs and infections. A strong immune system is one of the key ingredients for a happy and healthy baby.”

Danone
Promotion to health workers

In addition to the fact that the prebiotics claim is not permitted on infant formula, independent analysis of research by the Cochrane Library finds the claims are not substantiated. While the regulations on labelling follow-on formula are not so strict, the ASA has ruled against prebiotic claims used in follow-on formula advertising. Despite this the claimed benefits of prebiotics in formula are promoted to health workers in advertising, as in these examples targeting midwives in April 2008.

Independent review of Prebiotics research

“There is insufficient evidence to recommend the addition of prebiotics to infant feeds for prevention of allergic disease or food reactions.”

Cochrane Database of Systematic Reviews


Opinion from the European Commission

“The use of the claim ‘contains prebiotics’ is a claim describing a function and therefore has to be considered as a health claim which is currently not foreseen in Directive 2006/141/EC and consequently is not permitted for use for infant formulae.”

Letter to FSA, 4 October 2007, from European Commission Health and Consumer Protection Directorate (DG SANCO)
Heinz
Brand: Farley’s

Snapshot

Heinz/Farley’s UK address:
HJ Heinz Company Ltd
South Building
Hayes Park
Hayes
Middlesex
UB4 8AL

Trading Standards Home Authority
London Borough of Hillingdon, Environmental Health Department.

The next report will give feedback on any action taken on the cases highlighted.

Labels non-compliant with regulations

Heinz/Farley’s pre-empted the introduction of the Infant Formula and Formula Regulations 2007 by introducing a ‘with omega-3 LCPs’ claim in a prominent banner on the front of the pack, as shown here.

Despite taking advantage of this change in the Regulations it still does not comply with the other requirements, nor does it comply with the 1995 regulations whose labelling provisions remain in force following the industry challenge at the High Court.

Labels contain idealizing text (such as ‘our most advanced formula ever’) and images, such as the teddy bear used in the free booklet shown below and other promotional materials to promote the full range of products (see past BFLG monitoring and consultation reports such as Hard Sell Formula and Protecting breastfeeding - Protecting babies fed on formula). Labels do not provide warnings and instructions to reduce the risks of possible intrinsic contamination of powdered infant formula with bacteria.

Advertising of complementary foods

Heinz/Farley’s has advertised its formula brand on television and in print in the past. Its current advertising is focused on complementary foods.

Government policy is that complementary foods are not needed until 6 months of age, but Heinz promoted foods for use from 4-6 months of age in Practical Parenting in April 2008 as shown below.
Hipp

**Snapshot**

Hipp’s UK address:

HiPP UK Ltd
165 Main Street
New Greenham Park
Newbury
Berks
RG19 6HN

Trading Standards Home Authority
West Berkshire Council.

The next report will give feedback on any action taken on the cases highlighted.

HiPP ORGANIC
First Infant Milk
Formulated to be nutritionally close to breastmilk
1 from birth onwards
900g

Labels non-compliant with regulations

Hipp labels contain idealizing images and make much of its ‘organic’ claim. Hipp has responded to a Baby Milk Action campaign calling on companies to bring labels into line with regulation by stating:

“Hipp has been working very closely with the FSA and our local Trading Standards Officer to ensure our milks packs conform with the new Infant and Follow-on formula Regulations (2007), which has not been easy in the absence of any finalised guidance notes from the FSA.

“Obviously, changes take a while to implement as we need to ensure that all the changes are correct and then the labels/packs have to be printed before the products can be produced. However, the agreed labels have reached the final stage, they will be printed very soon and then the new labels will be used in production.”

Hipp is unwilling to share the labels before they appear on the shelves. A future report will contain analysis.

Hipp labels are curious when it comes to warnings regarding powdered formula not being sterile. Its infant formula labels are the only ones to give a warning, but it states: “Powdered baby milk formulas are not sterile and reconstituted feeds are at risk of infection.” As the risk comes from possible intrinsic contamination, it makes more sense to say: “a risk of infection.”

The instructions state: “Boil water and leave to stand until temperature reaches 50 - 60 Deg. C (30 - 40 minutes).”

Since November 2005 the Food Standards Agency has been advising: “the risks associated with using powdered infant formula milk are reduced if [inter alia]: feeds are made up using boiled water that is greater than 70°C; in practice, this means using water that has been left to cool for no more than half an hour.”

The Guidance Notes accompanying the Regulations state in section 24:

The Agency recommends that these instructions should include information noting that:

- Powdered infant formulae and follow-on formulae are not sterile, and as such can contain harmful bacteria. It is therefore important to be very careful when preparing formula to reduce the risks. Boiled tap water (not bottled water) cooled for no more than 30 minutes should be used to prepare infant feeds.

- All equipment used for feeding and preparing feed must be thoroughly cleaned and sterilised before use, and bottles should be made up fresh for each feed, as storing made-up formula milk may increase the chance of a baby becoming ill.

The FSA advice to parents was introduced nearly 3 years ago, but still companies have not brought their instructions into line.
Good night milks

Hipp, like Danone/Cow & Gate, has launched a Goodnight milk (see BFLG briefing on these new products). This is promoted in a way that undermines breastfeeding with the advertisement shown right from *Mother and Baby* magazine, March 2008, suggesting that thanks to the milk “Now everyone can get a good night’s sleep.” It also describes it as: “the ideal end to a busy adventure filled day.”

Targeting mothers

Hipp makes much of its company ‘careline’ and website. Baby Milk Action monitoring of the HIPP company careline found that the information given directly contradicted that from FSA and WHO.

The website promotes the full range of Hipp formulas, including infant formula.

In a bid to encourage mothers to visit and to look to Hipp for information, Hipp is offering mothers web space for a blog on their babies and a free gift if they sign up to the Hipp baby club. The advertisement shown below appeared in *Mother and Baby* magazine in March 2008.

For example, the advertisement shown below from *Pregnancy and Birth* March 2008 includes a pack shot for apple and pear baby food labelled for use from 4 months of age.

Undermining advice on complementary feeding

The free gift offered to mothers signing up to the Hipp baby club is a ‘weaning pack’. Experience shows that Hipp encourages weaning before the age of 6 months, despite it being the position of the Department of Health and World Health Organisation that, as a general health recommendation, babies need only breastmilk or formula before 6 months.
Nestlé’s dubious strategy for entering the UK mass market

Nestlé currently sells only specialised formulas in the UK, such as Nan HA or hypoallergenic formula. The hypoallergenic term is misleading as the formula should not be used with allergic infants. In the US and Canada, following legal action, Nestlé is not permitted to use the term. After discussions with the UK Department of Health, Nan HA packs should carry a warning that the formula should not be used with allergic infants.

The launch of the Nan HA formula in the UK in 2004 was seen as the start of a strategy for entering the mass market. Given widespread concern about its aggressive marketing practices in other countries, Nestlé is first attempting to improve its relationship with health workers by a media campaign and offering sponsorship.

In 2006 Nestlé paid for a group of health workers to visit its head quarters in Vevey, Switzerland, which resulted in an article regarding its baby food marketing practices in the British Journal of Midwifery, a magazine sold in WH Smiths. The article was much criticised by Baby Milk Action, which was attacked in the article. Baby Milk Action was given a substantial right to reply in a subsequent issue.

The conclusion of the article stated:

“Nestlé have financial and education resources available which would improve services to women and, as a result of fact finding, we see no reason not to tap into those resources at a time when most Trusts and educational establishments have very limited funds available.”

One of the authors of the article, Chris Sidgwick, had already worked with Nestlé to produce a video for midwives. Although about breastfeeding, it has been criticised as presenting a very negative view of it. Under the Infant Formula and Follow-on Formula Regulations 1995, in force when the video was produced, educational materials should only be produced in accordance with government guidelines or on the written authority of the Secretary of State for Health. As there were no relevant guidelines produced, questions were raised regarding whether the video had approval. It is understood that Nestlé attempted to gain approval retrospectively, but this does not appear to have been given.

In more recent developments, the same midwife, Chris Sidgwick, contacted health journalists with an invitation from Dr. Miriam Stoppard, a well known author and broadcaster on child care. The invitation was for journalists to join an all-expenses-paid trip to Nestlé’s Swiss headquarters in February 2008. Perhaps similar articles to that run in the British Journal of Midwifery will result. Dr. Stoppard’s message said:

*I’m helping the educational division of the Nestle Nutrition Institute to organise a trip that would encompass fact finding, an introduction to Nestle research and presentations on topics such as obesity, infant nutrition and pre and probiotics where Nestle scientists are engaged in cutting edge research. There will be trips to the laboratories and the opportunity to chat to researchers first hand. There will also be seminars where you can question the decision makers in Nestle about any topic you wish.*

*We will be housed in the Nestle Research Centre, nestled in the hills just outside Lausanne. It will be a very pleasant social occasion as well as giving you the opportunity to get to know Nestle, its work and its programme of corporate social responsibility in some detail.*

*I do hope you’ll be able to join us, if so please let me know as soon as possible and I will organise your flights and accommodation.*

Training days for midwives are also being organised by the same midwife and due to commence in October 2008 with:

**Zelda Wilson a State Registered Dietician specialising in human interaction and behaviour.**

Zelda Wilson is the Nestlé Nutritionist who organised the trip resulting in the British Journal of Midwifery article. Her connection with Nestlé is not mentioned, though small print does indicate the event is sponsored by Nestlé.

In an attempt to gain influence with the Department of Health, Nestlé has awarded a ‘fellowship’ to the Parliamentary Private Secretary of a government minister and taken her and other MPs on an expenses-paid trip to South Africa to show off humanitarian projects. Ironically, Nestlé is in the spotlight in South Africa for advertising infant formula in supermarkets and using labelling claims that breach national regulations.
Advertising targeting pregnant women and new mothers

At present Nestlé’s marketing strategies are directed at health workers.

However, in May 2008 it was advertising in *Mother and Baby* magazine.

Curiously the product being advertised was Nestlé milkybars, so outside the scope of the *Infant Formula and Follow-on Formula Regulations*.

However, as chocolate is inappropriate for babies, the choice of magazine is curious. Is Nestlé wishing to raise the profile of its name in the context of pregnancy and motherhood?

Interestingly, Nestlé is also making claims about milk: “Only the best is good enough for Milkybar kids. And that means only natural ingredients like fresh milk.”

While this is not a breach of the Regulations, it may well be part of the long-term strategy of its formula launch.

In other countries Nestlé is particularly aggressive with its formula advertising. When it entered the US market in the 1980s it broke a voluntary ban on advertising and took the companies party to it to court for restrictive practices.

Trading Standards need to be alert to Nestlé driving practices to a new low as its launch strategy progresses.
While the small print states that the product is not intended to replace breastfeeding it also states: “When used in conjunction with solid feeding, it provides the nourishment essential to a baby’s healthy and sustained growth.” [emphasis added].

This undermines the recommendation from the World Health Organisation and Department of Health for continued breastfeeding after 6 months with the introduction of complementary foods and the position that follow-on formulas are ‘not necessary’.

The advertisement states: “See our Progress range at www.smanutrition.co.uk”

In fact the website promotes the full SMA range, including the similarly packaged infant formula.

Progress was again promoted in OK celebrity magazine in April 2008 as shown below, again directing people to the website where infant formula is promoted.

Last year Wyeth ran a television advertisement containing only emotional content and the SMA name, which generated many complaints but was cleared by the Advertising Standards Authority (ASA).

As in the television advertisement, in these print advertisements Wyeth promotes itself as a source of expertise of infant feeding. The advertisements carry the slogan “Understanding parents. Understanding babies”, attempting to replace the health service and mother support groups as sources of information.
Use of health claims on labels and promotion to health workers

Wyeth introduced new labels in 2007 after being reminded by the Food Standards Agency that claims such as ‘now even closer to breastmilk’ are not on the permitted list.

The new labels contained other claims and idealizing text that are permitted by neither the 1995 nor 2007 versions of the Infant Formula and Follow-on Formula Regulations.

Examples include:

“New improved protein balance.”

“Easily digested.”

“Love the milk you give.”

“Gold.”

The label also has idealizing images:

A new logo incorporating a breastfeeding mother now that the ‘closer to breastmilk’ slogan has been removed.

A mother’s face.

The idealizing health claims made on the labels are combined with targeting health workers to encourage them to communicate the claims to mothers. The examples shown here are directed at midwives.

Significantly when Wyeth/SMA has been invited to provide scientific substantiation for its claims for review by a committee of one health trust it has apparently been reluctant to do so.

Point of sale promotion

Generally discounts on SMA formula in retail outlets are limited to the follow-on milk as in the example shown here in Morrison’s.

Such promotions do appear alongside the infant formula, something the Guidance Notes that accompany the 2007 Regulations are seeking to stop.

Other promotional strategies are used to draw attention directly to the infant formula, as shown in Morrison’s and Babies’R’Us.
It is time to enforce the law!

This report shows some of the methods the main baby milk companies in the UK are using to promote their products. They boost sales by undermining breastfeeding and idealising their products. Parents that use formula are misled.

Companies are advertising on television and in magazines.

They encourage parents to visit websites which suggest their products protect against infection, help in the development of intelligence and ensure babies sleep through the night.

They provide free gifts if mothers join baby clubs to receive company promotional materials.

They use telephone ‘carelines’ to idealize their products and undermine independent advice from health workers.

They compete to have the most appealing cuddly animal images on their labels and the most impressive sounding ingredients. But they do not warn that powdered formula is not sterile or the simple steps required to reduce health risks.

The examples selected for this report are not necessarily the worst cases of companies undermining breastfeeding and misleading parents who use formula. They have been selected because they are believed to break the UK Infant Formula and Follow-on Formula Regulations. These are weak measures that allow many other aggressive practices to take place.

To date, the Regulations have not been enforced - since being introduced in 1995 there has only been one prosecution, for illegal advertising. Though successful, similar practices continue unpunished.

Hopefully the situation is about the change. The Regulations have been updated. New Guidance Notes have been introduced to assist Trading Standards officers in taking action.

Further monitoring reports will be produced as resources allow to show if the enforcement system is now working. Ideally these reports will appear every three months.

Find out more about the monitoring project coordinated by Baby Milk Action on behalf of the Baby Feeding Law Group at www.babyfeedinglawgroup.org.uk

You can denounce aggressive marketing practices via the website. You just might find your information used in a future report!