

Nestlé's Milk Trick

*Nestlé was caught violating the Infant Milk Substitutes Act but no action was taken. Did the then Congress regime help the MNC's cause? **Pawan Kumar Bansal** and **Ruhi Kandhari** report*



Milky way Former CM Bhupinder Singh Hooda (centre) sang paeans to Nestlé while inaugurating its factory in Panipat district in 2012

If one goes by Nestlé's recent Superbaby campaign on the social media, the Swiss multinational favours mother's milk over artificial substitutes for infants. But in reality, the company produces and promotes infant milk substitutes in violation of Indian law.

Last month, a local court in Haryana summoned Nestlé India officials for violating the Infant Milk Substitutes Act, 1992. The IMS Act, which was amended in 2003, protects and promotes breastfeeding, prohibits promotion or sale of infant milk substitutes, and directs that any such container of infant foods and milk substitutes must affix a label in the local language that mother's milk is the best.

This is not for the first time that Nestlé India has been in trouble. In July 2012, district authorities raided the premises of a local distributor of Nestlé milk products in Rohtak. They found stocks of various infant milk substitutes. Three products — Pre Nan, Nan Pro and Lactogen — were seized and the shop was sealed.

In the same month, a team from the Food and Drug Administration department raided Nestlé's factory in Panipat district and seized consignments of infant milk substitutes and sealed the storage facility.

Rakesh Gupta, commissioner of the Food And Drug Administration department, informed the media that the manufacturer — in this case Nestlé — would be booked under the IMS Act. However, Gupta could not proceed further because the then chief minister Bhupinder Singh Hooda had become a big votary of

Nestlé's investment in Haryana. In fact, he inaugurated the company's second unit in Panipat district in September 2012.

"This Rs 600 crore unit will benefit not only Haryana but the whole country," Hooda said while inaugurating the plant. "Nestlé has been active in India for the past 100 years and in Haryana for the past two decades. Their products such as chocolate, milk products, instant coffee and cold drinks are famous all over."

Hooda also urged Nestlé to open milk collection centres in faraway areas of the state to increase the production of milk and milk products. He assured that the "animal husbandry department and the dairy federation will join hands with the private sector for this noble cause, which will benefit both the farmers and investors".

A senior officer of the health department revealed on the condition of anonymity that Hooda's speech was a clear signal to them to go slow on the investigation against Nestlé. "When Nestlé's representatives from Switzerland rushed to Haryana and met Hooda, he directed the health department to not tarnish the company's image as the multinational company had invested a lot in Haryana," he said.

The current heat against Nestlé comes in the wake of the regime change and the fall of the Hooda government.

In August, Dr Arun Gupta, consultant to the Prime Minister's Council on India's Nutrition Challenges, wrote a letter to the commissioner of the Food and Drug Administration department to explain the delay in prosecution of Nestlé under the IMS Act.

As a result, a complaint was filed with the Chief Judicial Magistrate, Rohtak, in October. The prosecution argued that three of the company's products — Pre Nan, Nan Pro and Lactogen — are labelled such as to promote and advertise infant milk substitutes and have pictures and graphics to undermine breastfeeding in violation of the IMS Act.

Further, Nan Pro claims to provide health benefits such as an improvement in the immune system, growth and brain development, vision and natural defence system. These claims are attributed to the Nestlé Nutrition Research.

It was also noted that the package containing Nan Pro One is designed in such a way that it seems as if the infant formula is equally beneficial to the child as the mother's milk. As per the IMS Act, the label should mention just the ingredients used but not the properties and benefits of the ingredients.

According to GL Singhal, joint commissioner of the Food and Drugs Administration department, the rampant corporate promotion of infant milk substitutes is the reason why the department has been investing in a campaign to promote breastfeeding in Haryana.

"A number of multinational companies have been violating various provisions of the Infant Milk Substitutes Act," he says. "Mothers should know that their milk is best for the child and packed milk should be taken only in an emergency situation."

The Rohtak district administration has taken steps to hold Nestlé accountable for the violation of the IMS Act, but the authorities in Panipat continue to remain mute ever since they raided Nestlé's premises in the district.

When Nestlé was established in 1867 in Switzerland, its founder Henri Nestlé had said that during the initial months, the mother's milk would always be the most natural nutrition, and every mother who is able to do so should suckle her children.

Holding on to the same thought over all these years in various media campaigns, Nestlé India launched a social campaign during the World Breastfeeding Week in August to reinforce the importance of

breastfeeding by releasing a video on YouTube, which talked about the benefits of breastfeeding from the babies' perspective and took a pledge for making the message even stronger.

“The Superbaby campaign on social media reflects Nestlé’s belief that breastfeeding is best for the baby,” the company said in an email response. “It reinforces our efforts to increase awareness and create more and more advocates for breastfeeding and ensure a healthy start in life for the baby. However, there are many who are unable to breastfeed. Since proper nutrition in the first 1,000 days can determine our health in life, Nestlé provides them high-quality products for science-based nutrition to the babies. We are following the IMS Act in letter and spirit and the allegation that we are violating the Act is unjustified and based on misinterpretation.”

Binu Jacob, general manager (nutrition) at Nestlé India, adds: “Nestlé has always believed that breastfeeding is the best nutrition for babies. However, despite general awareness, breastfeeding rates are still low in India. We want to consciously convert this awareness into practice.”

Hooda was unavailable for comment on why he had inaugurated Nestlé’s plant and lauded its products.

Nestlé officials have been ordered to appear in court on 6 January.

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