

Press Release - September 1, 2000

Nestlé's attempt to mislead and misguide governments

Private profit is a powerful incentive and very few people are able to resist its lure. But how far it will be justified to pursue the profit goals to the extent of jeopardizing the health interest of innocent infants and their mothers. That is what Nestle, the multi-national giant in the infant food industry has been trying to do all times, and this is one of the most recent examples.

Nestle had submitted a report to the Director General, WHO, entitled “ Nestle Implementation of WHO Code (International Code of Marketing of Breastmilk Substitutes) – Official Response of Governments”. This report was sent to several health and nutrition NGOs, governments all over the world including Government of India.

In this report Nestle had included excerpts from letters sent by as many as 54 Governments around the world, in a rather suave and sophisticated way, expressing that the Nestle is conducting self-monitoring and implementing the Code, which is far from the truth.

When International Baby Food Action Network (IBFAN), an international voluntary organization and a global network working for the promotion and protection of breastfeeding came to know about this report circulated by Nestle, it commissioned an internationally acclaimed expert to examine and give a legal evaluation of this report minutely and check the veracity of the claims made by Nestle.

The expert evaluation found that Nestle was using excerpts from these letters in an “out of context manner” to misguide and mislead the governments to whom it had sent the report under reference. The Nestle Report does not constitute compliance with Article 11.3 of the International Code. At best, it is no more than an exercise in public relations. The use of the term “Implementation” in the title of the Nestle Implementation Report is grossly misleading. It leads people to believe that Nestle can play a role in the implementation of the International Code. It is clear that Nestle has no such role under the Code.

Nestlé's responsibility is the monitoring of its own marketing practices according the provisions of The Code, which includes product promotion, distribution, selling, advertising, product public relations and information services. And NOT the implementation of the Code, which is the government's responsibility. Nestle had asked 54 governments whether the Code is being implemented by the Nestle as per the Code, the title of the very report comes to question?

The Nestle Implementation report at best, can be described as an exercise in public relations. The very wide distribution of the Report and the publicity given to it, support this proposition. It is probably intended to offset recent criticism of Nestle and its declared violations of the International Code.

It would be worthwhile to mention here that Nestle has been facing not only public and media opposition to the promotion of its infant milk substitute products but also legal prosecution for violation of national laws passed for the promotion and protection of breastfeeding in various countries. In India, a case against Nestle is pending in the Court of Metropolitan Magistrate for the last 5 years under the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992.

Dr. Arun Gupta

National Coordinator, BPNI

The Breastfeeding Promotion Network of India (BPNI) is a national network of individuals and organisations working for protection, promotion and support of breastfeeding in India. BPNI believes that breastfeeding is the right of all mothers and children. BPNI works through advocacy, social mobilization, information sharing, education and training of health workers and monitoring the compliance of International Code/The Indian Law to protect breastfeeding. BPNI works as the Regional Focal Point for South Asia for the World Alliance for Breastfeeding Action (WABA) & International Baby Food Action Network (IBFAN). BPNI does not accept funds or sponsorship of any kind from the companies producing breastmilk substitutes, related equipment and complementary foods or those have been ever found to violate the IMS Act or International Code.