Welcome!

Please take your seats.
The program will begin shortly.
Global Congress on Implementation of the Code of Marketing of Breast-milk Substitutes
June 2023

https://www.youtube.com/watch?v=9IL9n3Ihh3Y
Marion Nestle
Paulette Goddard Professor, of Nutrition, Food Studies, and Public Health, Emerita
New York University
Identifying and Managing Industry Interference: The Industry “Playbook”

Marion Nestle
Professor of Nutrition, Food Studies & Public Health, Emerita
New York University
June 20, 2023

Declaration: No conflicting interests.
By Product Type
- Infant Milk Formula
- Growing-up Milk Formula
- Follow-on Milk Formula
- Specialty Baby Milk Formula

By Form
- Powders
- Concentrated Liquids
- Ready-to-Use

By Distribution Channel
- Specialty outlets
- Online stores
- Supermarkets/Hypermarkets
- Others

K D Market Insights

Global Distribution:
- Asia Pacific
- Latin America
- Middle East & Africa
- North America
- Europe
Breastmilk or infant formula? Content analysis of infant feeding advice on breastmilk substitute manufacturer websites

Jennifer L Pomeranz1,*, Xiaying Chu1, Oana Groza1, Madeline Cahodes1 and Jennifer L Harris2

1School of Global Public Health, New York University, New York, NY, USA; 2UConn Rudd Center for Food Policy and Obesity, University of Connecticut, Hartford, CT, USA

Submitted 23 March 2021: Final revision received 13 July 2021: Accepted 10 August 2021: First published online 14 September 2021

Abstract
Objective: To evaluate messages about infant feeding on breastmilk substitute (BMS) manufacturer websites directed at US caregivers and compare information and portrayals of breast-feeding/breastmilk with that of infant formula (IF) feeding. Design: We conducted a content analysis of US BMS companies’ websites. A codebook was created through an iterative process to identify messages and images about breast-feeding/breastmilk and IF feeding, including benefits or issues associated with each, and direct-to-consumer marketing practices that could discourage breast-feeding. Setting: Data were collected in 2019–2020 and analysed in 2020–2021 for US websites of five IF manufacturers. Participants: The websites of Similac, Enfamil and Gerber, which collectively represent approximately 90% of the US IF market, and two US organic brands, Earth’s Best and Happy Baby. Results: Websites contained more messages about breast-feeding/breastmilk than IF but were significantly more likely to mention benefits to baby of IF (44%) than breast-feeding/breastmilk (26%), including significantly more statements that IF provides brain, neural and gastrointestinal benefits. 40% of breast-feeding/breastmilk content was dedicated to breast-feeding problems (e.g. sore nipples). Twice as many screenshots compared IF brands favourably to breastmilk than to other brands. Certain companies displayed images indicating ease of IF feeding and difficulty of breast-feeding. Conclusions: Substantial messaging on BMS manufacturer websites encouraged IF feeding and discouraged breast-feeding. Health professionals should discourage their patients from visiting these websites and the US government should regulate misleading claims. Companies should refrain from providing breast-feeding advice and align their US marketing with the International Code of Marketing of Breast-milk Substitutes.
Ingredients
Corn Syrup Solids; Partially Hydrolyzed Nonfat Milk and Whey; Protein Concentrate Solids (Soy); Vegetable Oil (Palm Olein, Soy, Coconut, and High Oleic Sunflower Oils); Less than 2%: Mortierella Alpina Oil, Schizochytrium sp. Oil, Choline, Taurine, L-Carnitine, Vitamins & Minerals.
The Perils of Ignoring History: Big Tobacco Played Dirty and Millions Died. How Similar Is Big Food?

KELLY D. BROWNELL and KENNETH E. WARNER
Yale University; University of Michigan

Context: In 1954 the tobacco industry paid to publish the “Frank Statement to Cigarette Smokers” in hundreds of U.S. newspapers. It stated that the public’s health was the industry’s concern above all others and promised a variety of good-faith changes. What followed were decades of deceit and actions that cost millions of lives. In the hope that the food history will be written differently, this article both highlights important lessons that can be learned from the tobacco experience and recommends actions for the food industry.

TOBACCO INDUSTRY

DENY

UNDERMINE

CHALLENGE

LOYB

OBSCURE

COMPLICATE

'April 14, 1994. CEOs of Seven Major Tobacco Corporations in the United States Swear That Nicotine is NOT Addictive.'
Novo Nordisk

3,500 payments
£21.7 million
- Obesity charities
- NHS trusts
- Doctors
- Health educators
- Lobbyists

** Revealed: experts who praised new ‘skinny jab’ received payments from drug maker **

*Observer investigation finds Novo Nordisk gave millions to obesity charities and healthcare professionals, including expert who advised Nice*

- *Orchestrated PR campaign*: how skinny jab drug firm sought to shape obesity debate

*Photography*
The only corporate social responsibility a company has is to maximize its profits

Milton Friedman
Food Companies

- Do Nothing
- Deny
- Change Products
- Advocacy
- Regulations
- Lawsuits
- Stockholders

Fight Back
The Disinformation Playbook
How Business Interests Deceive, Misinform, and Buy Influence at the Expense of Public Health and Safety

Published Oct 10, 2017 | Updated May 18, 2018

Alcohol Industry Funds Government Study
A $100 million study on the health effects of moderate drinking was shut down after revelations of inappropriate contact between investigators and the alcohol industry.

https://www.ucsusa.org/resources/disinformation-playbook
The Fake
Conduct counterfeit science and try to pass it off as legitimate research

CASE STUDY

Industry Groups Used Cherry-Picked Science to Avoid Regulation of Chromium
The Blitz
Harass scientists who speak out with results or views inconvenient for industry

CASE STUDY
Syngenta Harassed the Scientist Who Exposed Risks of its Herbicide Atrazine
The Diversion
Manufacture uncertainty about science
where little or none exists
A study is 21 times more likely to find unfavourable results about the nutrition label Nutri-Score if the authors declare a conflict of interest or the study is funded by the food industry.
The Screen
Buy credibility through alliances with academia or professional societies

The New York Times
Coca-Cola Funds Scientists Who Shift Blame for Obesity Away From Bad Diets
BY ANAHAD O'CONNOR  AUGUST 9, 2015 8:25 PM

How Coca-Cola Disguised Its Influence on Science about Sugar and Health
And Now a Word From Our Sponsors

Are America’s Nutrition Professionals in the Pocket of Big Food?

Michele Simon

JANUARY 2013

EATDRINK POLITICS

Nutrition Scientists on the Take from Big Food

Has the American Society for Nutrition lost all credibility?

Michele Simon

JUNE 2015
Three of the four leading makers of infant formula
The Fix
Manipulate government officials or processes to inappropriately influence policy

0% of the world's largest corporate food producers and processors disclose political giving across the countries they do business in.

Who lobbies the most?

TTIP FACTS & FIGURES
Industry-sponsored research: this week’s collection

Here is my latest roundup of industry-sponsored research producing results or opinions that favor the sponsor’s commercial interests.

* Sugars and obesity: Is it the sugars or the calories? Choo FL, Ha V, Sievenpiper JL. Nutrition Bulletin, May 19, 2015. DOI: 10.1111/nbu.12137

* Conclusion: The higher level evidence reviewed in this report does not support concerns linking fructose-containing sugars with overweight and obesity.

* Conflicts of interest: All three authors report scholarship or research support from such entities as the Canadian Sugar Institute, PepsiCo, Coca-Cola, Dr Pepper Sappire, Corn Refiners Association, World Sugar Research Organization.


* Conclusion: LCCJ [low-calorie cranberry juice] can improve several risk factors of CVD [cardiovascular disease] in adults, including circulating TGs [triglycerides], CRP (c-reactive protein), and glucose, insulin resistance, and diastolic BP [blood pressure].

* Sponsor: Ocean Spray Cranberries, Inc. and the USDA. JA Novotny received funding from and C Khoo is employed by Ocean Spray Cranberries, Inc.
Makers and producers
Artificial sweeteners
Blueberries
Canned foods
Cereal
Chewing gum
Citrus fruits
Chocolate
Coffee
Corn
Cranberries
Dairy
Dietary supplements
Eggs
Garlic

Grains
Infant formula
Juices
Meat
Nuts
Oats
Olive oil
Pears
Potatoes
Pulses
Raspberries
Soft drinks
Soy foods
Sugar
Yogurt
Before you read another health study, check who's funding the research

Food companies have a bad history of funding biased research to support their products. We took a look at a few egregious recent examples.

⚠️ New York University nutrition professor Marion Nestle began informally tracking studies funded by food and beverage companies, as well as trade groups, in 2015. Her research uncovered 168 such studies in that year alone, and of those, 156 showed biased results that favored the sponsor’s interests. Photograph: Alamy
Research on Drug Industry Influence

- Influence: Pervasive, Effective
- But: Unconscious, Unintentional, Unrecognized
- Justifications for Ties: Not Evidence-Based
- Disclosure: Necessary, Not Sufficient
- Prevention & Management: Essential

1974 — 2019
Food systems: Prevent

- Hunger
- Obesity
- Climate change
“Consumptogenic” economic systems

- Prioritize corporate economic power
- Promote privatization
- Externalize costs
- Neglect risks
Policy inertia

- Weak governance, “captured”
- Powerful food industry opposition
- Weak civic demand
To overcome the (perhaps unconscious) power of industry influence

- Avoid public-private partnerships
- Set firewalls
- Regulate marketing
- Exclude industry from policy
- Require industry transparency
Evidence: The Playbook applies to:

- Tobacco
- Pharmaceutical drugs
- Fossil Fuels
- Chemicals
- Food
- Infant formulas
- Baby food
Thank You!

marion.nestle@nyu.edu
@marionnestle
Global Congress on Implementation of the Code of Marketing of Breast-milk Substitutes
June 2023

Phillip Baker

ARC Future Fellow / Senior Research Fellow at the School of Exercise and Nutrition Sciences; member of the Institute for Physical Activity and Nutrition

Deakin University, Melbourne, Australia
Global Congress on Implementation of the Code of Marketing of Breast-milk Substitutes
June 2023

Political interference by the baby food industry and what we can do about it

Dr Phillip Baker
ARC Future Fellow, Institute for Physical Activity and Nutrition, Deakin University, Melbourne, Australia

Acknowledgements: I would like to thank Julie Smith, Katheryn Russ, David McCoy, Nigel Rollins, Monique Boatwright, Paul Zambrano, Roger Mathisen and others

Declarations: I declare no conflicting interests. My travel to this Congress was supported by WHO. The research presented in this talk was funded by the Department of Maternal, Newborn, Child and Adolescent Health, WHO. My salary is provided by the Australian Research Council, a government body.
How does the baby food industry undermine worldwide Code implementation?
Philippines: Industry lobbyists targeted the President, members of Congress, officials in the health, trade, and industry sectors, the US Philippine Embassy, UNICEF’s international and regional headquarters.

South Africa: A new regulation took 9 years, with many setbacks from industry interference. Lobbyists challenged the Department of Health during the drafting process, requiring detailed responses, legal advice and a major work burden for staff.

United States: Between 2007 and 2018, the largest six US CMF manufacturers together spent US$184·2 million on lobbying the US Government, of which $55·1 million (30·0%) was declared as BMS-related.
The power of industry lobbying

US Chamber of Commerce President of the Philippines
“[The regulations]... would have unintended negative consequences for investors’ confidence in the predictability of business law in the Philippines...If regulations are susceptible to amendment without due process, a country’s reputation as a stable and viable destination for investment is at risk.”

Pharmaceutical and Healthcare Association of the Philippines President of the Philippines
“[Raising]...questions and protests regarding the constitutionality, legality and validity of certain provisions...which make the [regulation] susceptible to a temporary restraining order and... the government to possible sanctions imposed by the WTO.”

Pharmaceutical and Healthcare Association of the Philippines Chairman of the Committee on Trade and Industry:
“... the [regulation] will discourage investment consideration in the Philippines. Two of our members are poised for expansion of their facilities and have investment approval to proceed. However, some reservations are now being raised...”
Leveraging global trade rules
A globally coordinated network of influence
Supporting breastfeeding

Yet companies claim otherwise

Has Nestlé lobbied to oppose breastfeeding policies?

We strongly support breastfeeding and have not wavered on this position. We have not, nor would we ever, lobby any governments - including the US government - to oppose breastfeeding policies anywhere in the world.

https://www.nestle.com/ask-nestle/health-nutrition/answers/why-does-nestle-support-breastfeeding#:~:text=Has%20Nestl%C3%A9%20lobbied%20to%20oppose%20breastfeeding%20is%20best%20for%20babies
Reputation management

OUR VISION: DANONE. ONE PLANET. ONE HEALTH

Externally monitoring our practices

FTSE4Good and ATNI

NESTLÉ KASAMBUHAY: 1 Million Families in 100 Days

IPNAP WELCOMES

RABIYA OCCENA MATEO, PTRP
MISS UNIVERSE PHILIPPINES 2020

ENHANCING DIVERSITY

Creating Shared Value Sustainability Report 2021

Net zero dairy

Transforming our dairy supply chains

LEADING THE WAY

Responsible Marketing of Breast Milk Substitutes 2021 Report

Enabling healthy food environments

In improving nutrition science is key

ODD ERIK JONHANSEN
Global Cereals Development Lead, Carbohydrate & Metabolism, Nestlé Health Science

SDG 17: PARTNERSHIPS FOR THE GOALS
STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

Engagement of Danone: Major Focus

Net zero dairy

Transforming our dairy supply chains

LEADING THE WAY

Responsible Marketing of Breast Milk Substitutes 2021 Report

Enabling healthy food environments

In improving nutrition science is key

ODD ERIK JONHANSEN
Global Cereals Development Lead, Carbohydrate & Metabolism, Nestlé Health Science

SDG 17: PARTNERSHIPS FOR THE GOALS
STRENGTHEN THE MEANS OF IMPLEMENTATION AND REVITALIZE THE GLOBAL PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT

Engagement of Danone: Major Focus
BMJ Open

Sponsorship of national and regional professional paediatrics associations by companies that make breast-milk substitutes: evidence from a review of official websites

Laurence M Grummer-Strawn, Faire Holliday, Katharina Tabea Jungo, Nigel Rollins

Abstract

Most babies in France are fed with infant formula and many commercial complementary foods, many of which are ultra-processed and harmful to health. Internationally, opposition by the baby food industry to the introduction of public health policy to control marketing of infant formula and complementary foods is a well-known phenomenon. We conducted a review of the websites of national and regional professional paediatrics associations in France to determine whether companies that make infant formula and complementary foods were supported by these associations. Six national paediatrics associations and one regional association were selected for review. The websites included a total of 234 marketing mentions of companies that make breast-milk substitutes. The mean percentage of mentions per website was 15 (range 0–37). The mean percentage of marketing mentions that did not mention the health benefits of the product was 37 (range 0–100). Most frequent mentions were for Nestlé Nutrition Institute (NNI), followed byWyeth Nutrition. The results of our study suggest that companies that make breast-milk substitutes are involved in the regulation and control of their marketing in France through financial support of national and regional professional paediatrics associations.
Recognizing that industry self-regulation is ineffective, Governments should impose strong regulatory systems to ensure that the food industry does not violate citizens’ human rights to adequate food and nutrition. It is recognized, however, that such efforts may face formidable resistance from a food industry seeking to protect its economic interests.
What can we do to counter industry interference?
Recognize that there is a fundamental and irreconcilable conflict of interest between the baby food industry and public health objectives.
Safeguard public health policies

1. Exclude companies and industry from policy development and drafting.
2. Ensure regulatory processes are transparent and open to public scrutiny.
3. Strengthen regulatory agencies to ensure independence and oversight.
4. Adopt mandatory laws NOT voluntary regulations or partnerships.
5. Support strong regulation of corporate lobbying, including public registries, disclosure, and stand-down periods.
6. Require disclosures of actual or potential conflicts of interest by those involved in decision-making to
7. Establish codes of conduct for public officials involved in regulating the baby food industry.
Challenges under international trade law

INTERNATIONAL TRADE AGREEMENTS AND IMPLEMENTATION OF THE INTERNATIONAL CODE OF MARKETING OF BREAST-MILK SUBSTITUTES
Frequently Asked Questions

WHO/UNICEF Information Brief
1. Reverse and resist over-medicalised health care.
2. End financial relationships with industry.
3. Establish clear codes of conduct and disclosure rules.
4. Promote independent research and funding.
5. Health professional education, including on the Code, and preventing commercial conflicts of interest.
Create powerful breastfeeding coalitions

Mothers and families + civil society + political leaders + government agencies + health professionals + media and journalists + international organizations

Leadership - sustained over the long term

Capacities and resources – including financial, human, technical and strategic

FREE from commercial conflicts of interest
Thank you!

phil.baker@deakin.edu.au

@PhilBakerNZ
Hon. Aiah David Shek Kassegbama

Parliament of Sierra Leone
Industry interference in Sierra Leone

Hon. Aiah David Shek Kassegbama
Parliament of Sierra Leone
20 June 2023
Sierra Leone has one of the strongest Code laws in the sub-region of West Africa

- Parliament of Sierra Leone passed into law the Breast Milk Substitute Act, in July 2021.

- It was a long journey after several failures from the past parliaments.
How it all started

• Sub-regional learning and exchanges
• Dedicated capacity building support on Code
• Formation of Code Committee
• Engagements with all stakeholders from the three arms of government (the executive, judiciary and legislative) and involvement of other line ministries:
  • Popularization of the exclusive breastfeeding and importance of the Code with relevant ministries: Agriculture, Health, Trade and Social
How did the industry try to interfere with the process?

- Industry lobby groups targeted leadership of parliament and parliamentary committees such as:
  - Health
  - Legislative
  - Agriculture and food security
  - Trade
  - Gender and children’s affairs
- Incentives/funds to groups such as trade union and civil societies
What were the targets of the industry influence?

- Influence the president not to sign the Bill into a legislation
- Reduction of fines within the legislation
- A flexible legislation to allow industries continue promotion activities of BMS
How did we overcome the industry interference?

• Pressure from CSO’s, Leadership and Members in the House of Parliament on the office of the President.

• Several engagement by the technical arm (Ministry of Health – Directorate of Food and Nutrition and its partners) with the parliamentary committee chairpersons and its membership.

• Support provided for Members of Parliament to carry out nationwide community sensitization on the enactment of the Breastfeeding bill.
What other countries could learn from our experience?

• Strong political will
• Working with the 3 arms of government
• Creation of a multisectoral code committee and technical code work group
• Nutrition Champions
Thank you
Dr Camila Maranha Paes de Carvalho
Adjunct professor, Fluminense Federal University, Niteroi, Brazil

Acknowledgements: I would like to thank Marina Rea, Renata Ferreira, Fabio Gomes, Mayara Quintanilha, Inês Rugani.

Declarations: I declare no conflicting interests. My travel to this Congress was supported by WHO. My salary is provided by the Fluminense Federal University, a government body.

Brazil case
A critical look at conflict of interest in respect to the Brazilian Code
The scenario
NBCaL: Brazilian Code

1988 1st edition
1992 1st revision
2000 2nd revision
2006 Law
2015 Regulated

Presidência da República
Casa Civil
Subchefia para Assuntos Jurídicos

LEI N° 11.265, DE 3 DE JANEIRO DE 2006
NBCaL: The Brazilian Code

- Products
- Marketing
- Donations
- Label
- Sponsorship
- Penalties
- Samples
- Responsabilities

http://www.ibfan.org.br/site/nbcal
Global evidence of persistent violations of the International Code of Marketing of Breast-milk Substitutes: A systematic scoping review

Genevieve E. Becker, Paul Zambrano, Constance Ching, Jennifer Cashin, Allison Burns, Eva Policarpo, Janice Datu-Sanguyo, Roger Mathisen

First published: 21 March 2022 | https://doi.org/10.1111/mcn.13335 | Citations: 12

Assédio da indústria de alimentos infantis a profissionais de saúde em eventos científicos

Ana Carla da Cunha Ferreira Velasco, Maria Inês Couto de Oliveira, Cristiano Siqueira Boccolini

Proteção do leite materno e ética
Protection of mother’s milk and ethics

Marina Ferreira Rea e Tereza Setsuko Toma
Instituto de Saúde da Secretaria de Estado da Saúde de São Paulo, São Paulo, SP, Brasil
Civil society
Challenges related to CoI
NBCaL: The Brazilian Code

Conflict of interest?

- Products
- Marketing
- Responsabilities
- Donations
- Label
- Sponsorship
- Penalties
- Samples

http://www.ibfan.org.br/site/nbcal
Examples

O ano em que Nestlé e a Sociedade de Pediatria renovaram os votos de uma longeva parceria
Examples

Art. 8th “Manufacturers, importers and distributors of the products dealt with in this Law may only grant financial or material sponsorship to scientific teaching and research entities or to nationally recognized associations of pediatricians and nutritionists, with any and all forms of sponsorship being prohibited for individuals”.

§ 1 “The beneficiary entities will ensure that companies do not carry out commercial promotion of their products in events sponsored by them and limit themselves to the distribution of technical-scientific material.”
Necessary (Re)Action
Possible ways forward
Thank you!

camilamaranha@id.uff.br
Global Congress on Implementation of the Code of Marketing of Breast-milk Substitutes
June 2023

8. Renata Ferreira video.mp4
Global Congress on Implementation of the Code of Marketing of Breast-milk Substitutes
June 2023

9. Marina Rea Video.mp4
## Breakout Room Assignments Tuesday

<table>
<thead>
<tr>
<th>Region (Language)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa (English)</td>
<td>Auditorium left side / Z1</td>
</tr>
<tr>
<td>Africa (French)</td>
<td>Room V</td>
</tr>
<tr>
<td>Mideast &amp; North Africa (Arabic)</td>
<td>Room X</td>
</tr>
<tr>
<td>Asia (English)</td>
<td>Auditorium right side / Z4</td>
</tr>
<tr>
<td>America &amp; Caribbean (English)</td>
<td>Room T</td>
</tr>
<tr>
<td>Latin America (Spanish)</td>
<td>Cafeteria</td>
</tr>
<tr>
<td>Europe &amp; Central Asia (English)</td>
<td>Room U</td>
</tr>
</tbody>
</table>
Coffee break + group work

15:00 – 15:30

Please return to your group by 15:30 to start on time.