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Nestlé comments on WHO's report: *"Scope and impact of digital marketing strategies for promoting breastmilk substitutes"*

August 31st, 2022

Following the publication of the WHO report on the [Scope and impact of digital marketing strategies for promoting breastmilk substitutes](#) (BMS), published in April 2022, we have investigated each of the 16 references to Nestlé company, brands or products highlighted during the launch webinar and in the report, through the lens of the local regulation as well as our Nestlé [policy implementing the WHO Code](#).

This assessment shows that two cases were stopped before the implementation of a local regulation, two others could not be found as too old, two more weren't actually examples of product marketing (rather unbranded educational content) and the remainder were all in compliance with the local regulation or our Policy and Procedures. Please find the detail of our findings in the below tables.

Digital communications can deliver science-based information on safe feeding practices at scale, which can improve nutrition knowledge and therefore health outcomes. We acknowledge the importance of undertaking this responsibly.

However, the vast majority of digital information about our products is shared on third party digital platforms by a wide range of third parties (including retailers), and we are looking at ways to foster WHO Code compliance in this complex environment. We support efforts by national governments to ensure compliance with national laws extend to all stakeholders in the digital ecosystem. We reiterate that we are ready to work with the WHO, UNICEF and others to make this happen.

[Our policy](#) applies to all forms of marketing, including digital. In 82% of the world which represents 80% of our business, we do not market formula for babies aged 0-12 months and we offer our support to advocate for national Code adoption where regulation is lacking.

We will unilaterally stop promotion of infant formula in ALL countries for products designed for babies 0-6 months, extending the scope of our policy to reflect our recent [Call to Action commitment](#). This significant step extends the provisions of our existing policy to the few countries where it has not applied to date and is particularly relevant to the USA, Canada and Japan, where no regulations currently exist. This new policy goes live in January 2023 following comprehensive internal and external training.

As of April 2020, only 25 countries had implemented measures substantially aligned with the Code. We are ready to play our part and, for real progress to be made, we need a much broader



NESTLÉ S.A.

group of stakeholders to be engaged and addressing WHO Code compliance and nutrition in the first 1000 days more broadly. Such collective engagement could pay huge dividends.

In line with our commitment to transparency, we will publish this response in the '[Breast-milk substitute marketing compliance](#)' section of our website as we have done in the past.

In conclusion, we are genuine in our pledge to do what is right for babies, and we offer Nestlé's support to achieving optimal nutrition for all, at every stage of life.



NESTLÉ S.A.

OLD CASES OR CASES WHICH WERE NOT FOUND				
Country or geographic area	Product or brand	Category (age range)	Reference (year of occurrence)	Comments
Hong Kong	Wyeth Nutrition -Wyeth Gold	Growing up Milks (+ 1 year)	Report – ref. #56 (2014)	<p>These two cases identified in Hong Kong related to campaigns implemented before July 2017 (one of them took place in 2013-2014), at a time where the voluntary Hong Kong Code of Marketing of Formula Milk and Related Products, and Food Products for Infants & Young Children was not implemented. When the Food & Health Bureau implemented this Code, we had already stopped these activities.</p> <p>Although the research on digital marketing is thorough and well-informed, it does not differentiate between materials which were developed and disseminated under past rules and regulations, that are no longer in force.</p>
Hong Kong	Wyeth Illuma Organic	Follow on formula (+6 months)/ Growing up Milks (+ 1 year)	Report – ref. #121 (2017)	
India	None		Report – ref. #115 (2016)	<p>We weren't able to trace back to the materials in question: these two cases related to materials found by the WHO in India (2016) (video entitled: "Now everyone can breastfeed a child") and China (2010). Actual compliance status cannot be concluded with the actual level of disclosed information.</p> <p>The example about China dated 2010 might not be a true representation on the way Nestlé currently markets its products as it dates back to a time when FTSE4Good BMS Index criteria had not been implemented and reflected in Nestlé's Policy and Procedures. We emphasize that collecting singular examples from more than 10 years is not suitable to provide an objective view of current marketing of BMS.</p>
China	Neslac		Report – ref. #111 (2010)	



NESTLÉ S.A.

CASES FEATURING MARKETING OF PRODUCTS THAT ARE NOT COVERED BY LOCAL REGULATION OR NESTLÉ POLICY AND PROCEDURES				
Country or geographic area	Product or brand	Category (age range)	Reference (year of occurrence)	Comments
Vietnam	Nestlé - NAN Optipro kid	Growing up milks (+ 2 years)	Webinar (2021)	<p>For products that are not in the scope of the regulation and our Policy and Procedures, such as growing up milks or complementary foods, we market and commercialize them in a way that is permitted by the country's regulation, to raise consumers' awareness about our safe and highly nutritious solutions for their young children.</p> <p>Importantly, the report confirms that Nestlé is compliant with each geographies' regulation and its Policy and Procedures as it only points out examples of products for babies above the age groups covered by marketing restrictions.</p> <p>The Nestlé Policy and Procedures for the Implementation of the WHO International Code of Marketing of Breast Milk Substitutes:-</p> <ul style="list-style-type: none"> - Helps Nestlé comply, as a minimum, with WHO Member States' regulation implementing the WHO Code, everywhere in the world. - It differentiates between higher and lower risk countries according to child malnutrition and mortality rates, and as per the FTSE4Good BMS Index criteria. As a result, we do not promote infant formula intended for babies up to 12 months of age in 152 higher risk countries, in which we apply the
Singapore	Wyeth - S26 Procal GOLD and S26 Promise GOLD (stages 3&4)	Growing up milks (+ 1 year)	Webinar (2020)	
Philippines	Nestlé - Nido 3+	Powdered Milk (+ 36 months)	Report – Fig. 7, P.15 (Not available)	
Singapore	Nestlé - NAN OPTIPRO Kid 4	Growing up milks (+ 1 year)	Report – ref. #117 (2017)	
Singapore	Nestlé - NAN OPTIPRO 3	Growing up milks (+ 1 year)	Report - ref. #118 (2018)	
Singapore	Nestlé - NAN OPTIPRO 3	Growing up milks (+1 year)	Report – ref. #119 (2018)	



NESTLÉ S.A.

Middle East	Nestlé - Nido	Powdered Milk +1 year (Middle East) +3 years (Lebanon, KSA, Bahrain)	Webinar (2015)	<p>provisions of our policy even where they are stricter than national law. These countries represent 80% of Nestlé revenue from infant nutrition products.</p> <p>In addition, we voluntarily committed to stop the promotion of Stage 1 infant formula designed for babies aged 0-6 months, as a response to the BMS Call to Action from WHO, UNICEF and civil society organizations. This will come into effect from as of January 1st 2023.</p>
Anglo Dutch Caribbean	Nestlé - Gerber, Nestum and Cerelac	Complementary foods (6-36 months)	Report – fig. 14, p.20 (Not available)	
Mexico	Nestlé-Excella Gold	Growing up milks (+ 1 year)	Report - ref. #48 (2018)	
China	Nestlé NAN HA 3	Growing up milks (+ 1 year)	Report – ref. #55 (2020)	



NESTLÉ S.A.

CASES REFERRING TO UNBRANDED, SCIENCE-BASED OR EDUCATIONAL CONTENT CREATED BY NESTLÉ				
Country or geographic area	Product or brand	Message / Content	Reference (year of occurrence)	Comments
Singapore	None	Video features men experiencing the challenges of pregnancy in an unbranded setting.	Report - ref. #116 (2017)	These two cases refer to content that is unbranded, doesn't feature any product, is educational or refers to our educational platform to support caregivers in their journey to feed their child (Baby & Me).
Middle-East	None	<p><i>"A healthy start for a healthy life plan that provides the best services and the best advice in a 1000-day journey about feeding her child from the beginning of pregnancy to 3 years"</i></p> <p><i>"Having a baby is a wonderful experience. We are here to help you build your own little family."</i></p>	Report - fig. 13, p. 19 (Not available)	<p>We have a longstanding history of providing safe and adequate nutrition to infants and young children and given the high prevalence of the use of inappropriate breastmilk substitutes in parts of the world, this educational role is essential.</p> <p>By raising awareness to the challenges of parenting, by preparing expectant parents to the realities for pregnancy and by disseminating feeding advice for safe, balanced and nutritious diets in the first 1000 days of life we help contribute to the achievement of the Sustainable Development Goals.</p> <p>For these reasons, and because the highlighted contents are not in breach of our Policy and Procedures or the local regulation implementing the WHO Code, we challenge the inclusion of these cases as examples of inappropriate digital marketing in the report.</p>