

II

THE BUILD UP TO THE NESTLÉ BOYCOTT

If your lives were embittered as mine is, by seeing day after day this massacre of the innocents by unsuitable feeding, then I believe you would feel as I do that misguided propaganda on infant feeding should be punished as the most criminal form of sedition, and that those deaths should be regarded as murder.

– Cicely Williams, commenting on the title of her speech, *Milk and Murder*, 1939

Brief Chronology of the Nestlé Boycott

- 1939.** Cicely Williams M.D. writes *Milk and Murder*
- February 1974.** *War on Want* publishes *The Baby Killer*, a report on infant malnutrition and the promotion of artificial feeding in the Third World.
- May 1974.** AgDW translates the report and publishes it in Switzerland with the title *Nestlé Kills Babies*. Nestlé sues the group for libel, and the issue becomes a public controversy involving policy makers.
- April 1976.** *Sisters of the Precious Blood* file a lawsuit against Bristol-Myers to make the public aware of the dangers of promoting artificial feeding of infants in developing countries.
- July 4, 1977.** *INFACT* calls for international boycott of Nestlé Products as the company refuses to stop its unethical marketing of breastmilk substitutes.
- July 5, 1978.** *CBS Reports* airs the documentary *Into the Mouths of Babes* by Bill Moyers. Besides focusing on health problems caused by artificial feeding in the Dominican Republic, the film also exposes a kickback scheme involving formula companies and medical professionals.
- May 23, 1978.** *US Senate* holds hearings on formula promotion.
- October 9-12 1979.** A conference held jointly by WHO/UNICEF calls for halt to promotion of artificial feeding. Industry agrees to abide by the recommendations of the meeting. NGOs at the meeting form *International Baby Food Action Network (IBFAN)*.
- January 30-February 11, 1980.** Nestlé and three major US formula firms retract their pledge to stand by the

1979 recommendations at hearings before the US House Subcommittee on International Economic Policy and Trade. Nestlé attends the hearings only under threat of Congressional subpoena.

May 21, 1981. The World Health Assembly overwhelmingly adopts the International Code. Only the US votes against the Code.

January 24, 1984. After 7 years of boycott pressure, Nestlé agrees to abide by the International Code everywhere except in Western Europe.

October 4, 1984. International Nestlé Boycott Committee calls off the Boycott.

December 1985. WHO/UNICEF formed an Expert Committee who called for the end of free/subsidised supplies of formula to hospitals and maternity wards.

May 1986. WHA passed Resolution 39.28 banning free supplies.

1987-1988. *Action for Corporate Accountability and IBFAN* monitoring finds evidence of Nestlé's violations of the International Code.

June 1988. Nestlé subsidiary Beechnut fined \$2million as top executives found guilty of selling phony apple juice for babies in Puerto Rico, Virgin Islands and five other countries between 1978 and 1982.

June 28, 1988. *ACTION* holds press conference calling Upon Nestlé and American Home Products to end dumping of formula on hospitals or face reinstatement of Boycott.

October 4, 1988. Exactly 4 years after the it was called off, the international Boycott is relaunched by *ACTION* against Nestlé and American Home Products.

Milk and murder

In 1939, a woman doctor spoke at the Singapore Rotary Club. Dr. Cecily William's subject for the evening was *Milk and Murder*. Cicely Williams charged the artificial baby food industry with murdering babies by promoting their milks as food for infants.

Ironically, the president of the Rotary Club, who presided over the meeting that evening, was the local

Voices and choices

Corporate voices insist that they are providing important choices for mothers by making the formula available... that in addition to contributing to improved health status for some babies they are providing for improved social status for some mothers by offering women a FREE CHOICE.

Let us look at that free choice.

An *uninformed* choice is *not* a free choice (if only advertisers message is available).

An *unavoidable* choice is *not* a free choice (breastfeeding cannot be resumed once abandoned).

An *unaffordable* choice is *not* a free choice (some other necessity must be sacrificed).

An *unacceptable* choice is *not* a free choice (under certain circumstances there is too high a price to pay).

Source: Patricia Young, *Infant Formula Public Witness*, February 27, 1980

president of Nestlé. Dr. Williams' scathing indictment of artificial feeding of infants was followed in the 1960s by Dr. Derrick Jelliffe's research on the impact of artificial feeding on the health of babies. He coined the term "commercinogenic malnutrition" to highlight the connection between commerce and increase in bottle-feeding at a special meeting organised on the issue by the Pan American Health Organisation (PAHO).

Nestlé in the dock

In August 1973, the *New Internationalist* printed an interview - "The Baby Food Tragedy" - with two leading doctors - Dr. Ralph G. Hendrickse and Dr. David Morley. The interview detailed the consequences of bottle feeding babies in the Third World. Bottle feeding requires clean water, good sanitation and hygiene, enough financial resources to be able to keep up the supply, and literate parents who can read and follow instructions properly. Many, or all these factors all lacking in most of the countries that provided the biggest markets to baby food manufacturers. The result is that the babies become malnourished, fall ill often with diarrhea and other gastrointestinal infections, and finally die. By the early 70s, the high rates of infant mortality in these countries was being clearly linked malnutrition, and thus to artificial feeding.

The article in the *New Internationalist* gave Nestlé a chance to reply to the criticism against the industry, an offer with the giant food manufacturer immediately took up. Journalists and others were invited to Vevey in Switzerland, to study in detail how Nestlé viewed the whole issue of infant nutrition. Mike Muller of War on Want - a British NGO - took up the invitation, and spent

considerable time with the corporation. The result was *The Baby Killer* - a biting denunciation of both the industry in general and Nestlé in particular, published and distributed in 1974. Soon, a group of 17 activists who formed the Arbeitsgruppe Dritte Welt (AgDW - Third World Action Group) of Bern, Switzerland, brought out the article in German as *Nestlé Kills Babies*. In June 1974, Nestlé sued AgDW for libel, and the activists were forced to develop a campaign in defense. Affidavits from the developing world, witnesses, and studies were collected and publicised through professional-level presswork. While AgDW lost the case on a technicality, and were fined a nominal amount, the presiding judge was very critical of Nestlé's marketing ethics. The trial helped to establish a public record; the issue became a public controversy warranting attention by policymakers. Nestlé's reaction showed its vulnerability to public opinion, one of the factors that later made it a prime choice for boycott.

Actions in the US

In the US, the Consumers' Union, in its editorial of September of the same year, came down heavily on the infant food industry. Leah Margulies, a young lawyer, led the Interfaith Centre on Corporate Responsibility in increasing public awareness on the issue of formula feeding of infants. Public awareness continued to be the focus of the film *Bottle Babies*, the film made in Kenya by West German filmmaker Peter Kreig, and that Nestlé called the "cornerstone" of the Nestlé Boycott. In response to the growing public opinion against bottle feeding, eight formula manufacturers, including Nestlé, came together to form the International Council of Infant

Food Industries (ICIFI). In the meantime, ICCR, which had bought shares of Ross-Abbot, brought pressure on the company to change their marketing practices in the Third World. The company, which had become famous for designing hospitals so that a mother was separated from her newborn baby, was the only major baby milk manufacturer not to join ICIFI. In 1976, the company agreed to change its policies.

The Interfaith Center on Corporate Responsibility (ICCR), which is related to the National Council of Churches, began to study the bottle-feeding issue in 1973. ICCR

members use their influence as shareholders to raise ethical issues with U.S. corporations. They carried on field research of company practices, developed a network of contacts with Third World health authorities and nutritionists, and engaged in direct negotiation with the industry. Through these actions emerged the initial understanding of what marketing practices were important to stop.

In 1976, public attention in the US once more focused upon bottle-fed babies when the Sisters of the Precious Blood sued Bristol-Myers, a leading formula manufacturer

for misleading shareholders about their marketing practices in the developing world. Though the sisters lost the case in court, an out-of-court settlement forced the company to acknowledge its unethical marketing practices.

In the meantime, *Bottle Babies* continued to be shown across the country in churches. After one such screening, the public asked the organisers what they were going to do about it? And thus was born the idea of the Nestlé Boycott.

**Good for Babies
Good for Profits
So its Good for YOU**



Babies thrive on SMA and S-26 baby-milks
Mothers are constantly demanding these products. That is why you have a higher turnover – which means more profit!
SMA and S-26 – GOOD FOR BABIES
– GOOD FOR PROFITS
– GOOD FOR YOU

STOCK UP NOW – THEY ARE GOOD FOR YOUR BUSINESS

This ad was taken from *African Business and Chamber of Commerce Review*, Mar 1978, a South African publication catering to black businessmen and traders.



Of fleas, elephants and marketing of infant foods in the Third World

In April 1976, the 550 member Dayton-based congregation of the Sisters of the Precious Blood, concerned about the marketing of infant feeding formula in Third World countries, filed a suit in the US District Court in New York against Bristol Myers, in which they held shares of common stock. The congregation charged the company with providing false information about its marketing practices to the shareholders in its 1976 proxy statement. Bristol Myers was one of the companies selling its infant formulae in the Third World. Infant formulae have been implicated as important factors in infant mortality in underdeveloped countries, where people are too poor to afford sufficient quantities of formulae and sanitary and hygiene conditions are inadequate to ensure safety. Bottle feeding of formula hinders mothers from breastfeeding their babies. Formula companies resort to marketing directly to mothers as well as to doctors and other health professionals and health workers.

The nuns first filed a stock holder resolution asking the company to change its marketing practices in the name of social responsibility. Edwin Simons, spokesperson for the corporation said that Bristol Myers sold its infant formula only to those countries where there was a substantial body of customers who can benefit and afford to buy them, promoting the products

exclusively through professional medical personnel. Simons categorically denied that that the product was being marketed in least developed countries “where chronic poverty or ignorance can lead to product misuse or harmful effects.” However, according to the sisters, the formula was available in at least two Third World countries - Indonesia and Sri Lanka, where the per person annual wealth was less than \$200; many of the “medical personnel” described by the firm were actually employees of the corporation.ⁱ

The resolution was defeated, and the sisters were left with no choice but to file a suit in the court. The sisters lost the suit and appealed the verdict. The Corporation, in a desperate bid to retain its image, suggested an out of court settlement, where it agreed to send a report prepared by the nuns and the Interfaith Centre on Corporate Responsibility, related to the National Council of Churches. The report included affidavits by leading medical personnel stating that using infant formula in Third World countries contributed to the increasing malnutrition of children and infant mortality. The victory of the nuns over the giant corporation was described by Patricia Young of International Nestlé Boycott Committee as the “victory of the flea over the elephant”.

The case resulted in nationwide support for the nuns. The National Assembly of Women Religious issued a statement of support and used the film *Bottle Babies* to rouse public awareness on the issue. An editorial in *Dayton Daily News* blessed the sisters for filing the suit.ⁱⁱ

In August, Congressman Michael Harrington of Massachusetts introduced into the House of Representatives a joint resolution to study the promotion and misuse abroad of infant formula as a substitute for mother’s milk. The resolution, which also called upon USAID to develop “multifaceted strategies” to promote breastfeeding in developing nations, soon gained numerous co-sponsors.

The case also resulted in medical personnel, nutritionists and missionaries testifying before a Senate subcommittee on health in February 1978, that infant formula as increasing malnutrition and disease in the Third World. At the Senate the chairman and president of Nestlé in Brazil, Oswaldo Ballarin, made the ludicrous charge that the campaign against infant formula was part of a world-wide conspiracy by the World Council of Churches “with the state purpose of undermining the free enterprise system”, prompting the subcommittee chairman, Sen. Edward Kennedy to respond “you can’t be serious!”ⁱⁱⁱ

As a result of the court case Frank Sprole, Vice Chairman of the Board of Bristol Myers, said that his company has forbidden consumer advertising of formula, has stopped giving free samples and has stopped using milk nurses.^{iv}

i “Precious Blood suit ‘irresponsible,’ Bristol-Myers says”, *Dayton Daily News*, April 21, 1976

ii “Mother’s milk”, *Dayton Daily News*, April 23, 1976

iii “THIRD WORLD BABY FOOD USE STUDIED BY SENATORS”. *CATHOLIC TELEGRAPH*, FEBRUARY 6, 1978

iv *ibid.*