



ZIMBABWE TANZANIA & GHANA

Code Violations

A survey of the state of the International Code of Marketing of Breastmilk Substitutes and subsequent WHA Resolutions in Ghana, Tanzania & Zimbabwe



In Ghana, products with labels showing pictures of babies and age recommendation below six months (like this tin of General Farm Supplementary Food) are no longer allowed and will be refused entry.



Nestlé's infant cereal boxes had the "blue bear" logo covered with a sticker in an attempt to obliterate "idealising" images in Tanzania. Although Nestlé promised to start labelling cereals only for six months, these still are marked for four months. Gerber, Milupa and Heinz also violate WHA 54.2 in Tanzania where the law has not yet been revised to reflect the new recommendation.



A Port Health Authority officer confiscates Gerber products with non-compliant labels in Zimbabwe

Laws at work!

The International Code and subsequent World Health Assembly Resolutions are recommendations to governments to safeguard the health of infants and young children through the protection of breastfeeding and the regulation of the marketing of breastmilk substitutes.

Three countries in Africa implemented the Code and subsequent WHA resolutions through strong laws. These are:

In Tanzania, the **Food (Control of Quality) (Marketing of Breastmilk Substitutes and Designated Products) Regulations 1994**.

In Zimbabwe, the **Public Health (Breastmilk Substitutes and Infant Nutrition) Regulations May 1998** (under its Public Health Act)

In Ghana, the **Ghana Breastfeeding Promotion Regulations May 2000** (subsidiary legislation under the Food and Drugs Law).

Monitoring*, carried out by IBFAN Africa, revealed that such measures when effectively implemented do reduce Code violations. The ensuing report, however, shows that violations still occur. Better enforcement should halt those that still occur. IBFAN's findings are summarised here.

*The monitoring was carried out in August/September 2002 in Ghana (Greater Accra Region); Tanzania (Arusha, Kilimanjaro and Dar Es-Salaam) and Zimbabwe (Mashonaland East, Manicaland, Masvingo, Matabeleland South, Harare and the border posts at Mutare and Beitbridge). The monitoring surveys were a cooperative effort by IBFAN groups and government officials from the Ghana Infant Nutrition Action Network; Tanzanian Food & Nutrition Centre (TFNC); the National Food Control Commission (NFCC); the Infant Nutrition Committee (INC) and the Public Health Inspectorate of Zimbabwe.

In Zimbabwe, a local company, International Health Care distributes Isomil on behalf of Abbott, and specifically redesigns the label to comply with the Regulations



The same company also affixes the warning as required by national law that the use of feeding bottles interferes with breastfeeding

INTERNATIONAL CODE

The Code applies to all products marketed as partial or total replacement for breastmilk, such as infant formula, follow-up or special formula, cereals, juices, vegetable mixes and baby teas. It also applies to feeding bottles and teats.

The Code:

- **Bans** all advertising and promotion of products to the general public.
- **Bans** the use of samples and gifts to mothers and health workers.
- **Requires** that information materials contain specific information and warnings and not contain pictures of babies nor text that idealise the use of breastmilk substitutes
- **Bans** the use of the health care system to promote breastmilk substitutes.
- **Bans** free or low-cost supplies of breastmilk substitutes.
- **Allows** samples given to health workers, but only for research purposes.
- **Demands** that product information be factual and scientific.
- **Bans** sales incentives for breastmilk substitutes.
- **Requires** that labels inform fully about the correct use of the product and the risks of misuse.
- **Requires** that labels do not discourage breastfeeding.

All the above provisions are incorporated into the laws of Tanzania, Zimbabwe & Ghana



Code awareness lacking among health workers: Day-old Lactogen baby in a Ghana maternity home which has a policy of starting babies on formula; the same maternity home gives all pregnant mothers a list of things to bring for delivery. The list includes feeding bottle and a choice of either Lactogen or SMA.

Strong laws

The legislation in Zimbabwe, Tanzania and Ghana is based on the International Code. There are clear and comprehensive definitions of what is covered and strong sanctions to deter breaches of the laws. Products such as infant formula, follow-up formula, complementary foods, feeding bottles, teats and pacifiers are covered. Each of these laws also covers policy on the promotion of breastfeeding and the education and training of health workers.

Compared to other countries, Zimbabwe, Tanzania and Ghana are miles ahead in their commitment to promote, protect and support breastfeeding. But laws by themselves are not enough. They need enforcement which in turn needs awareness, training and monitoring. The approach has been to give responsibility of implementation to a specific body. These are, in Tanzania, the **National Food Control Commission (NFCC)** and the **Tanzanian Food and Nutrition Centre (TFNC)**, in Ghana the **Food Board** and in Zimbabwe, the **Infant Nutrition Committee (INC)**.

Pictures on the right from Tanzania show a monitor interviewing a young mother, mothers given nutrition advice at a weekly ante-natal class and a baby weighed at a post-natal clinic at a district hospital. All three countries use the Baby-Friendly Hospital Initiative as a standard for implementing good infant feeding practices.



Evidence from recent monitoring

Promotion in healthcare facilities

In Tanzania and Zimbabwe, company promotion within health facilities and to health professionals and mothers has been substantially reduced. In Ghana, where the law is relatively new, violations are still widely found. For example:

- ❖ In a government polyclinic, medical students were seen wearing Nestlé-sponsored *Cerelac* t-shirts during Health Week;
- ❖ A public health unit reported that Nestlé persuaded health workers to accept free Lactogen 1 for HIV+, mentally sick or caesarean mothers and orphans. Nestlé also distributes materials promoting Lactogen 2;
- ❖ A *Cerelac* brochure given to health workers promotes use "from the sixth month", effectively meaning that the product is being recommended for infants on completion of five months! During the monitoring survey, *Cerelac* was still labeled as suitable for infants from four months.*



Lactogen promoted as "the right choice" in healthcare facilities in Ghana

- ❖ Cow & Gate and Milupa (NUMICO), distribute prescription pads promoting varieties of formula and cereals for distribution to mothers at private maternity centres. Full-sized samples were also given. One maternity home upon realising that this was prohibited by Ghanaian law, actually profited by giving the samples to a chemist for sale!

**Prior to publication of the report, Nestlé Ghana has been reported to have changed its cereal labels to "six months".*

- ❖ Another maternity home reports that Cow & Gate offered to present a talk to mothers about breastfeeding. The offer was declined.
- ❖ Milupa distributes leaflets of its Aptamil 1 infant formula to health workers. The leaflet compares the product with breastmilk and claims that "the special composition of Aptamil 1 closely matches breastmilk."
- ❖ In Dar es Salaam, Tanzania, Wonder Foods made a presentation introducing Cowbell infant formula to many doctors and midwives at a hotel, where they were wined and dined and given Tshs. 2,000 for their taxi fare.
- ❖ In Zimbabwe, no infant food promotion is allowed in the healthcare sector. Now Nestlé distributes *Peptamen* and *Nutren Junior*, nutritional supplements not meant for babies, as a way to maintain close contact with healthcare workers.



Information material and prescription pads with full range of formula and cereal products from Milupa and Cow & Gate (Ghana)

Promotion to the public

Again, the situation in Tanzania and Zimbabwe is markedly better than in Ghana. Some of the violations still occurring in all three countries are illustrated below.



Promoting brand recognition in Ghana



No age recommended, but this South African magazine ad found in Zimbabwe implies that the products are suitable for young babies. The Zimbabwean law does not cover foreign publications but this ad violates both the International and South African Codes



In Zimbabwe, Japlo promotional leaflets which advertise the full range of Japlo products are found inside the bottles. Also, promotion of Japlo feeding bottles and teats can be seen on posters and signboards in pharmacies and supermarkets.



Nestlé sponsored shop sign in Ghana. At the time the picture was taken, Cerelac was still being promoted in the country for babies below six months



A "Buy Three Get One Free" special offer promotion for Cow & Gate cereals for Ghanaian infants from four months



"Milupa cereals as natural as nature intended" poster in Ghana depicts an adorable baby with a bunch of fruits on its head. The product advertised is for infants from four months.



Wonder Food's Cowbell infant formula on promotion in a supermarket in Dar-es-Salaam.

Labelling

The most common violations found across the three countries concern labelling. Companies continue to produce labels which fail to comply either with the Code or with national laws. They ignore provisions on information to be included on labels, idealising their products by comparing them favourably to breastmilk, use pseudo-scientific claims, or fail to use the appropriate language.

In Zimbabwe, labels of feeding bottles and teats by brands such as Angel-Stony's, Camera (also in Tanzania), Chicco, Curity, Japlo, Pigeon, Shuai Bao, Spar Baby, U & Me violate the national law and the International Code by having labels which carry pictures of babies and/or text which idealise the products.



Both Wyeth products claim to be closer to breastmilk. Texts are not in Swahili, the Tanzanian local language.



The Tanzanian law forbids depiction of feeding bottle and other pictures idealising the use of breastmilk substitutes. The label also claims that the product is "based on analysis of breastmilk to support your baby's healthy growth"



Nestlé Zimbabwe, without official approval, changed its infant formula labels to include an enlarged and 'idealising' logo showing a bird feeding its chicks. The label also breaches provisions of the national law requiring specific text that breastfeeding protects the baby against diarrhoea and other illnesses and that cup feeding is safer than bottle feeding.

The "Breastmilk is best" notice on some NAN labels is obscured by the lid and can only be read after its seal has been removed.

Profits at the expense of health?

Companies undermine the commitment to exclusive breastfeeding for the first six months made by governments of these countries (WHA Res. 54.2 [2001]) by continuing to label their products as suitable from four months or earlier. They are: Ghana (Blédina, Cow & Gate, Gerber Purity, Milupa); Zimbabwe (Gerber, Coleman/Tiger Foods' Purity) and Tanzania* (Gerber Purity, Heinz Farley, Milupa, Nestlé Cerelac & Nestum, Mother's Choice, Proctor & Allan).

*Tanzania's older law has not been revised to reflect this recommendation and companies exploit the situation.

Conclusions and challenges:

The strong laws of Zimbabwe, Tanzania and Ghana have made a difference but upholding the national laws is not an easy task in the face of continuing onslaught by companies seeking to increase their sales at all costs. The evidence of Code violations underscores the need for strict enforcement which in turn requires awareness, training and monitoring.

Neighboring countries should also implement the Code as law because violations transcend borders -- many of the violations found originated from South Africa.

Much time and effort have gone into ensuring profit-seeking companies do not undermine the health and nutrition of a new generation. Meeting nutritional targets set by the Global Strategy on Infant and Young Child Feeding could be far easier if breastfeeding did not have to compete unfairly with artificial feeding through unethical marketing practices.

Laws allow immediate action !



In Zimbabwe, during the monitoring, when milks were found to be non-compliant, the monitors requested managers of the outlets to remove them from the shelves until such time as the appropriate labels were affixed to the packs.

This pamphlet is part of a series of IBFAN pamphlets which highlight Code violations in selected countries around the world. The benchmark standards are the International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly Resolutions. It is prepared by ICDC and based on a report by Shanti Thiagarajah on a Code monitoring project which IBFAN Africa conducted in collaboration with governments and IBFAN members in Ghana, Tanzania and Zimbabwe.



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