

Yes, Medela violates the Code

When is a bottle NOT a bottle? Isn't a teat always a teat ?

In April 2009, ICDC's Legal Update featured a full page feature on Medela, the breast pump company. See: Medela's Marketing Menace (<http://www.ibfan.org/art/LU-04-09.pdf>). Since then, the situation has not really changed. However, ICDC keeps on getting questions: Does Medela violate the Code? Can we accept sponsorship from Medela? Should we allow Medela to exhibit at our conference?

Our answers have been technical: any manufacturer who promotes a product under the Scope of the Code, violates the Code. Selling is allowed, promotion is not. We then refer to the three pages of Code violations by Medela in the 2010 BTR and any additional evidence we have. Thus ICDC can establish whether a company breaches the Code or not. It is then up to the organization to decide if it will support or promote that company, if it will accept sponsorship or allow exhibits by a company that violates the Code.

"Medela and the WHO Code" was the title of a recent statement sent to us. It prompted this summary.

Feeding devices and storage systems

In 2008, Medela started promoting feeding bottles, effectively becoming a manufacturer under the *International Code of Marketing of Breastmilk Substitutes*. Reactions against the company as a Code violator followed soon after. By 2010, the company promised to remove all images of bottles and teats from its packaging. It did not do so. It then invented a teat and said it was not a teat... Medela started recommending the Calma teat, calling it a *feeding device* and calling the bottles attached to their pumps *-storage systems*.

Many people have written to ICDC about this language ... in simple terms like: Nonsense, it looks like a teat, acts like a teat so don't beat around the bush, it IS a teat ! Any bottle with a hole in its ring that allows for any kind of teat to be fixed, is a feeding bottle, full stop.

Or in more complex terms: does the Calma device indeed only work with breastmilk? Does it clog up when there is formula or juice in the bottle? What about the research that went into adapting the device to the infants suckling behaviour? Has it been confirmed by independent research? Is it just promotion for Medela? Would any of that make the Calma teat NOT a teat? No.

The problem is not so much with the product as with Marketing.

A website may offer products under the scope of the Code for sale, just like a shop. The description, however, should be factual, never promotional. For example, there should be no picture of a baby or a happy mum on such a webpage so that there is no link between the product and an "idealising" image which could be seen as promotional. Promotion is not allowed under the Code & resolutions. Medela's slogan: "*first choice of hospitals and mothers*" is promotional. Sometimes good info can be rendered nil by ads: A Medela advertorial in an Avent magazine in Lebanon in 2011, had 3 good pages on breastfeeding but also two huge ads for Calma, "*the Innovative Feeding Solution designed for Breast milk – switching from breast to bottle and back to breast has never been easier* ". Pure promotion

and thus violating the Code. Only if Medela stops **promoting** any bottle or teat, including Calma, only then is it no longer a Code violator.

Can Medela change the rules ?

The Code applies equally to all manufacturers of bottles and teats. When we bring Avent to book for advertising its bottles, the same should apply to Medela. But Medela states it has a mission to promote breastfeeding. *“We at Medela believe it is necessary to look at the total picture, which means looking beyond requirements and claims of Code compliance. ... Medela is the only manufacturer that is dedicated to providing ongoing intensive support for breastfeeding research. ... we decided to remove all nipple/teats from our products based upon feedback from the lactation community and breastfeeding associations with whom we closely cooperated. ... More and more, mothers started to use breastpumps to express their milk to be able to provide breastmilk to their babies when returning to work or when separated from the baby...We ask that you evaluate Medela’s dedication to breastfeeding, as well as that of other manufacturers, not solely on Code-compliance.”* (in **“Is WHO Code Compliance enough to effectively promote breastfeeding?”** a statement from Michael Larson, Chairman, Medela Board of Directors [undated, sent to ICDC April 2012])

IBFAN-ICDC finds this unacceptable.

The information required by mothers is best obtained from independent sources. The Code is of general application to the entire baby feeding industry. No exceptions. Medela’s practices have to be in accord with the Code regardless of what they do outside of marketing. Medela is using the information gateway to get access to mothers when the Code prohibits contact with them.

It is also causing confusion. A national breastfeeding association in the Netherlands received a letter in 2009 from Medela indicating that the company stopped complying with the Code because it had started marketing bottles and teats. This caused a split of opinions among members with some believing that Medela advertising could continue to be allowed as long as the ad itself didn't advertise Code-breaking products...; others said that the association should continue to adhere to the Code and refuse any ads by any Code violators. Similar splits and queries came from Croatia, Germany, France, UAE, NZ, Australia, etc. and all these questions led ICDC to do this summary on Medela.

International leadership

In 2008 already, ILCA (the International Lactation Consultants Association) had taken a very strong position on Medela– no funding, no sponsorship, no exhibition privileges

In 2009, LLLI (La Leche League International) also cut all links with Medela (for many years it had been a major sponsor of LLLI)

In 2009 (?), ABA, the huge Australian Breastfeeding Association, decided...to sever all advertising and sponsorship links with Medela.

IBFAN-ICDC applauds the courageous stand by all organisations in objective support of the Code.

Breastmilkfeeding – a worrying trend

WABA issued a well argued position paper in 2009, on breastfeeding devices and breastmilkpumps, on the difference between *breastmilkfeeding* and *breastfeeding*, and

concluding that breast pumps are un-necessary except in special circumstances and then for a limited time only. Yet, other countries now seem to be following the US trend where no successful breastfeeding is thought possible without a breast pump.

Some lactation counselors are starting to push mothers to invest in expensive breast pump equipment even before birth. And some mothers are giving up on breastfeeding to avoid the expense. They calculate how many months they can bottle feed for the price of a "Complete Feeding System" and decide to take the risk of artificial feeding. Clearly, this is the reverse of what the Code intended and another good reason to demand Code compliance by all.

What went wrong and can it be set right?

For many years, lactation consultants trusted Medela, worked with the company, allowed exhibits and read the research. It was not always clear that the Code was never violated but there was a "grey" area, a fine line, goodwill, a place for exceptional circumstances, a need for some mothers to borrow or rent a pump for some duration, for some infants to be separated from their moms for some time... and for those cases Medela was a favorite company with fine equipment.

Then Medela decided to start selling and promoting bottles and teats and became just like Avent or Pigeon; it lost the trust, **it crossed the line**, it became a Code violator. It tried to justify by saying lactation consultants had requested a "conventional system for feeding", that the Code was not clear, that its bottles were BPA-free, that their new inventions, Calma and Calmita, were not teats, and now it is trying to say the company is entitled to be exempted from Code compliance because it is totally dedicated to breastfeeding. None of these justifications are valid.

The Code is very clear: it is a set of rules to protect breastfeeding. Its scope covers breastmilk substitutes, feeding bottles and teats. Any device commonly used for artificial feeding is deemed to be under the scope and may not be promoted. Medela may continue selling containers for breastmilk provided there is no promotion of any kind indicating that such containers may be used for bottle feeding, whatever is in the bottle. Teats of whatever shape or substance may never be promoted.

Medela argues its bottles are intended for breastfeeding women and to support breastfeeding continuance. They are indeed marketed at breastfeeding women. And Medela is using the same marketing strategies as other brandname bottle manufacturers. Look at these:

*"The **Avent** teat: nearer to natural feeding" allowing the baby to "suckle using similar movements of the tongue and jaw as when breastfeeding"*

*"**Tomme Tippee**: special designed to help stimulate the natural sucking action of a baby feeding at mother's breast"*

*"**Pigeon**: if you can't breastfeed naturally...it's best to use a teat that offers similar benefits to breastfeeding. Pigeon's peristaltic nipple is medically proven to be close to breastfeeding"*

*"**Nuk**: a more natural way of feeding. The special Nuk shaped teat ..is more like a mothers breast...for a more natural way of feeding."*

"Pur: Specially designed to help stimulate the natural sucking action of a baby feeding at mothers breast"

"...infants (should) be fed upon their mother's milk. They find their food and their mother at the same time. It is complete nourishment for them, body and soul." Tagore, 1933

Breast pumps and feeding bottles can be tools to help mothers continue to breastfeed but they can also be harmful to breastfeeding. Neither bottles nor teats should ever be promoted. Pump and bottle manufacturers in fact experience no benefit when women continue breastfeeding - they only profit when women want to breastfeed and purchase their products in anticipation that they will assist them in doing so. Prizes and coupons all help to create demand. Medela's marketing of the new Calma bottle is a case in point. See the current heavy promotion in the USA below: (<http://www.medelabreastfeedingus.com/keep-the-connection-with-calma>)

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The screenshot shows the Medela website's homepage with a prominent yellow banner. The banner features a photograph of a woman smiling and holding a baby. To the right of the photo, the text reads "WIN with Keep the Connection with Calma®!". Below this, there are links for "View Latest What's New Items" and "View What's New Archive". A section titled "Introducing our Keep the Connection with Calma promotion!" describes a contest where winners receive Calma bottles and pumps. A "Learn more and enter now" link is provided. On the left side of the page, there is a "Recent Comments" section with a Facebook comment: "We've all been there!" from "via Facebook" posted 13 hours, 40 minutes ago. At the bottom of the page, three circular images illustrate the benefits of the Calma bottle: 1. "Natural feeding behavior supports easy transition from bottle to breast." 2. "Calma doesn't leak. Vented nipple designed to help avoid gasiness." 3. "One size/shape nipple for all stages of breastmilk feeding."

Calma promotion!

= Code Violation

"We're awarding a Calma to 10 lucky winners each week, and one lucky winner each month will win a Calma + Pump In Style Advanced! Plus, all participants receive a coupon for savings on Calma."