

The Business of malnutrition: breaking down trade rules to profit from the poor

Codex Nutrition Meeting, Bad Soden, Frankfurt, Germany
12 -18th November 2011

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A dozen developing countries and health campaigners attending the Nutrition Meeting of Codex, the UN body that sets international food standards, [1](#) achieved partial success in their call for strict controls on the marketing to be included in Guidelines [2](#) on a loose range of processed fortified products for babies that were never clearly defined. The objective was to provide nutrients which are “*either lacking or are present in insufficient quantities,*” with the clear aim of targeting all those 'at risk' of malnutrition.

The countries, **Brazil, Nigeria, Chile, Zimbabwe, Botswana, Gambia, Togo, Cameroon, Nicaragua, Costa Rica, South Africa and Bolivia**, fearing that uncontrolled marketing of the new products would undermine breastfeeding, [3](#) increase family poverty and create dependence on products that are expensive and often unnecessary, called for several key World Health Assembly Resolutions to be mentioned in the set of Guidelines being discussed. [4](#) The **United States** and the **European Union** initially opposed this move because they said the Resolutions stand on their own in their own right. **Australia** and **Botswana** suggested that paragraphs from the relevant WHA texts could be referenced and, after the World Health Organisation (WHO) stepped in, the EU and US agreed to a compromise. [5](#)

Experts from the **International Baby Food Action Network (IBFAN)** suggest that as the EU and US economic crisis continues, the new ‘business of malnutrition’ - which has the potential for multi-billion dollar profits from exports to the developing world and is portrayed as a win-win solution for the economy and development – could lead to a marketing bonanza that, instead of improving infant and young child health, could lead to double burden of malnutrition, both under and over nutrition, while draining family budgets. [6](#)

The debate centered on a proposal by **Ghana** to update existing Codex Guidelines for a range of fortified complementary foods. Ghana, the majority of African and Latin American countries, IBFAN, the International Association of Consumer Food Organisations (**IACFO**) and the International Lactation Consultant Association (**ILCA**) were all anxious to protect breastfeeding, local family foods and skills and to improve the safety and quality of these foods. [7](#) However, their task was made especially tricky because of the extensive food industry presence – the norm for Codex meetings. 40% of the 268 delegates were food industry, with 59 attending as members of Business Interest NGOs (BINGOS) and 49 included on government delegations – some even heading these delegations. For example, the **Mexican** delegation, which made many industry-friendly interventions, was 100% industry, with US baby food companies **Mead Johnson** and **Abbott** alongside **Kelloggs** and **Coca Cola**. **Germany** hosted the meeting and 12 of its 15 delegates were industry, including baby food giants, **Milupa (Danone)** and **Nestlé**, alongside **Coca Cola, Kraft** and others. [8](#)

The health advocates acknowledged that the fortification of basic foods can be an important health intervention if properly managed, but had serious concerns about this untested market-led approach in relation to infant and young child feeding. **Malang Fofana**, the head of the

Gambia delegation, said: *“The resistance from the exporting countries to sensible controls on the marketing of these products has left me very worried. Because of the move to ‘product-based’ solutions, funding is already drying up for most infant and young child feeding support programs and for community-based approaches that teach and promote skills to make nutritious family foods from local indigenous ingredients. I fear that once this runaway train leaves the station there will be no stopping it.”*

Joyce Chanetsa, IBFAN’s Regional Coordinator for Africa and Chair of the **African Codex Experts Group**: *“We accept that these products may provide important nutrients when used in certain situations, but if they are promoted as quick fix magic bullets on the market that will end malnutrition, parents will do anything to buy them, however unaffordable and unnecessary they may be. Once market-led programs overtake other humanitarian and development interventions, the underlying and root causes of poverty and malnutrition are forgotten. If ‘malnutrition in all its forms is to be a sustainable business, demand needs to be maintained. Is this the vision for Africa that the poor remain impoverished and needy?’”*

In response to the **US** and **EU** opposition to references to the Resolutions, WHO clarified that it was indeed appropriate to cite the resolutions: *“While the WHA Resolutions are not legally binding under the constitution – it doesn’t mean that the Resolutions are just paper and devoid of effect. [They] constitute the international practice and a consensus language that is also used in other international fora, for instance they are used customarily in WTO litigations.”*

The EU and US eventually gave way, taking up **Brazil's** suggestion to include a reference to the 2001 WHO *Global Strategy for Infant and Young Child Feeding* (WHA 54.2) but refusing the newer Resolutions. Several other sections of the guidelines relating to food safety and quality were improved, but invariably, as is usual in Codex, exporting country views carried more weight than those on the receiving end. With meeting time fast running out the Codex requirement to reach consensus was not followed on important questions of marketing, such as whether the products could share the same brand name as formulas, whether they should carry a statement recommending continued breastfeeding and whether they could be advertised.

However, on the key issue of claims, a proposal by the **Global Alliance for Improved Nutrition** (GAIN) [2](#) to allow promotional claims was not taken up. GAIN is a public private partnership, that works with over 600 companies, including **Danone** (the second largest baby food company), **PepsiCo**, **Mars** and **Kraft**, and which promotes market-led approaches to ‘prevent malnutrition.’ The US initially supported the GAIN proposal, but softened its approach and suggested that Codex needed to explore how products could make a statement about their intended purpose without ‘simply being viewed as a claim.’ IBFAN and IACFO picked up on this point, highlighting the risks of promotional claims, especially when products share brand names with breastmilk substitutes and stating that there are many other ways to present nutrition information that make the intended purpose and appropriate use clear. GAIN argued that because all sorts of inappropriate claims are made on other foods (many in contravention of Codex guidelines and WHA Resolutions [10](#)) these new foods need claims to be commercially competitive. Overlooked is the fact that GAIN’s approach would undermine the efforts of those governments trying to protect child health by banning inappropriate marketing and promotional claims.

Hussein Tarimo, speaking for **Botswana**, called for many safeguards, including on the safety of ingredients and manufacturing processes, some of which were taken up. However others were not taken up, for example that labels should stress the importance of sustained breastfeeding after 6 months, that industrial by-products such as de-fatted cotton-seed flour

(used as animal feeds or fertilizer) should not be used in baby foods. He also said that products for making baby foods should not be irradiated.

Speaking after the meeting, **Ozigis Abdulsalam** of the **Nigeria** National Agency for the Food & Drug Administration and Control, expressed concern about the report of the meeting which referred to the use of family foods after 12 months while the guidelines recommend products for use from 6 months. He feared that this would undermine the message that processed foods should be used only to supplement family foods not replace them. **Kenya** also called for the products to be used in consultation with health workers in line with government health programs – a point that was partially addressed by a suggestion from the EU to include a paragraph from the Standard on Cereal-based foods. However this also introduced the possibility of a lower recommended age for these products.

Because so much agenda time was spent on discussion about other nutrition issues, such as the level of scientific evidence needed nutrient reference values and labelling, there was no time to address the New Zealand proposal for a review of the Follow-on Milk standard or the India Proposal for cereal-based foods for underweight children. In their comments, IBFAN and IACFO highlighted the harm caused by the marketing of milks for older babies, which are not necessary and should be the same composition as infant formula. [11](#)

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1 The *Codex Alimentarius Commission* was created in 1963 by the Food and Agriculture Organisation (FAO) and WHO and is funded by WHO and FAO. The main purpose of Codex is to protect the health of the consumers and ensure fair trade practices in the food trade. Codex standards are used as a reference point in World Trade Organisation disputes. www.wto.org/english/thewto_e/coher_e/wto_codex_e.htm The *Codex Committee on Nutrition and Foods for Special Dietary Uses* (CCNFSDU) www.ccnfsdu.de [Go Up](#)

2 *Proposed draft revision of the Guidelines on Formulated supplementary foods for older infants and young children.* (CAC/GL 8-1991) The products include porridges, cereals, ready-to-use products and food-based home fortificants some of which are already covered by other standards. [Go Up](#)

3 Breastmilk can provide about half the energy intake of infants 6-12 months and about one-third for 1-2 year olds. (Dewey 2003). In the 2nd year breastfeeding can provide 29% of energy requirements, 43% of protein, 75% of Vitamin A, 76% of Folate, 94% of Vitamin B12 and 60% of Vitamin C. Dewey. KG. *Nutrition, Growth, and Complementary Feeding of the Breastfed Infant*. Ped. Clinics of N.America. 2001;48(1). [Go Up](#)

4 WHA Resolutions 49.15 (1996), 55.25 (2002) and 63.23 (2010). WHA Res 55.25 (4) “*URGES Member States, as a matter of urgency to ensure that the introduction of micronutrient interventions and the marketing of nutritional supplements do not replace, or undermine support for the sustainable practice of, exclusive breastfeeding and optimal complementary feeding.*” WHA Res 63.23 (1.4) “*Urges member states to end inappropriate promotion of food for infants and young children and to ensure that nutrition and health claims shall not be permitted for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation.*” [Go Up](#)

5 The compromise was a reference to the *Global Strategy for Infant and Young Child Feeding* and WHA res 54.2 (2001) which does refer to all relevant WHA Resolutions. WHA Res 54.2 urges Member States: “*to improve complementary foods and feeding practices by*

ensuring sound and culture-specific nutrition counselling to mothers of young children, recommending the widest possible use of indigenous nutrient-rich foodstuffs.” [Go Up](#)

6 Alarm as corporate giants target developing countries: Diabetes, obesity and heart disease rates are soaring in developing countries, as multinationals find new ways of selling processed food to the poor. • Felicity Lawrence. *The Guardian* Wednesday 23 November 2011 <http://www.guardian.co.uk/global-development/2011/nov/23/corporate-giants-target-developing-countries?INTCMP=SRCH>

Complementary Feeding: Nutrition, Culture and Politics by Gabrielle Palmer. <http://www.babymilkaction.org/shop/>

Infant Feeding and Obesity Poster http://www.ibfan.org/art/Obesity_IF-ENGLISH.pdf [Go Up](#)

7 IBFAN’s decade-long struggle to harmonise Codex standards with the WHA Resolutions: <http://info.babymilkaction.org/news/policyblog031106> [Go Up](#)

8 The **Conflict of Interest Coalition**, supported by 148 national, regional and global networks and organisation, is urging the United Nations to develop a *Code of Conduct and Ethical Framework* for interacting with the private sector and managing conflicts of interest, and to make a clear distinction between BINGOs (business-interest not-for-profit NGOs) and PINGOs (public-interest NGOs). <http://coicoalition.blogspot.com/> [Go Up](#)

9 www.gainhealth.org/partnerships/business-alliance/members [Go Up](#)

10 *Breaking the Rules, Stretching the Rules* 2010, www.ibfan.org/icdc/ [Go Up](#)

11 The IBFAN/IACFO comments on the three infant feeding items are here: <http://info.babymilkaction.org/node/510> [Go Up](#)

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