Questions and Answers Regarding BMS Call to Action

1. What is the Call to Action?

The Call to Action calls upon companies that make breastmilk substitutes (BMS) to make immediate, unilateral and voluntary commitments to comply with the WHO International Code of Marketing of Breast-milk Substitutes and its subsequent resolutions (the Code). The Call to Action encourages companies to publicly acknowledge the Code and all of its subsequent, relevant resolutions publicly, commit to reach full Code compliance by 2030 at the latest, and submit a clear implementation roadmap by the end of 2020 detailing how Code compliance will be achieved. Making these on-the-record acknowledgements, commitments, and roadmaps would mark a historic step. The signatories of the Call to Action, which include the WHO, UNICEF and other global infant and young child nutrition non-governmental organizations (NGOs) and civil society organizations (CSOs) believe strongly that as public health leaders there is a strong need for innovation and creativity to achieve broader Code compliance from the baby food industry. The Call to Action complements other ongoing global efforts to ensure that the Code is implemented fully in every country of the world.

2. What is the WHO Code of Marketing of Breast-Milk Substitutes?

The Code is a set of recommendations to regulate the marketing of BMS, feeding bottles and teats. The Code aims to stop the aggressive and inappropriate marketing of BMS. The 34th session of the World Health Assembly (WHA) adopted the International Code of Marketing of Breast-milk Substitutes in 1981 as a minimum requirement to protect and promote appropriate infant and young child feeding.

Inappropriate marketing of food products that compete with breastfeeding is an important factor that often negatively affects the choice of a mother to breastfeed her infant optimally. Given the special vulnerability of infants and the risks involved in inappropriate feeding practices, usual marketing practices are therefore unsuitable for these products.

3. Why does the Call to Action allow companies 10 years to comply with the Code?

The signatories consider it imperative for all BMS companies to immediately comply with Code. However, the Call to Action's 10-year timeframe takes into account the fact that the industry is not homogenous. Companies are at different points in universal Code compliance, operate in different markets, and derive differing percentages of their revenues from BMS manufacturing and sales. And while action is urgently needed and full Code compliance is the ultimate goal – it may take companies time to assess and shift policies in ways that are sustainable, well-monitored, and enforced. The 10-year window allows time for companies with the largest global footprints to make the necessary adjustments to their business models, corporate culture and management systems. This makes the Call to Action a more feasible invitation that is soundly achievable for all companies in the baby food sector, which is needed to make real progress on breastfeeding practices and the health of mothers and babies.

The 2030 deadline is also in line with the UN's Sustainable Development Goals (SDGs), a collection of 17 global goals designed to achieve a better and more sustainable future for all, which are also intended to be achieved by the year 2030.

4. Is there a risk that the Call to Action allows companies to not take any steps toward Code compliance until the last year or two of the 10-year period?

Companies are asked to take a significant step in the first year and present their implementation roadmap by the end of 2020, detailing how they will reach Code compliance by 2030. The quality and robustness of the submitted roadmap, including how quickly the first step – achieving full Code compliance in practice and policy for products marketed for infants aged 0-12 months – will be assessed by the signatories of the Call to Action and by ATNi, an independent monitoring body that evaluates food and beverage manufacturers' policies, practices, and disclosure on addressing all forms of malnutrition. Any roadmap that does not include a rigorous implementation plan, omits key steps toward full Code compliance or withholds action until the later years will not receive acknowledgment from the Call to Action signatories.

ATNi will assess and share feedback on the roadmaps with companies to support them in putting forth acceptable roadmaps that establish swift, incremental progress toward full Code compliance. ATNi will also develop ongoing assessments and monitoring mechanisms for all company roadmaps to ensure that companies are held to account.

While the Call to Action is an important mechanism to drive progress toward global Code compliance, it is also only one tool in an ongoing, multi-pronged, global effort to enforce full Code compliance as part of the larger movement to improve the health and nutrition of mothers and babies. Additional efforts driven by global, regional, national, and local advocates will help to encourage and motivate companies to demonstrate progress.

5. Why do you allow companies to define their own steps toward Code compliance over a 10-year period rather than mandating a series of steps?

There are multiple ways in which companies can achieve full Code compliance. Companies are at different stages of policy or practice of global Code compliance. In allowing companies to set their own steps, the Call to Action acknowledges that there are leaders and laggards within the industry, and that businesses are different in structure and operations, which will influence their approaches. Market presence varies, as does dependence on BMS revenues. Therefore, each company is encouraged to create its own implementation plan that it can publicly commit to and execute.

In addition, the Call to Action is only one tool within a broader set of tools being pursued by the signatories and others, which include ongoing efforts to pass or strengthen country legislation to implement the Code, supporting governments to effectively enforce existing legislation, and efforts by many organizations to advocate for full Code compliance. This Call to Action complements these efforts.

6. Why does the Call to Action focus on products marketed for infants rather than the full scope of the Code, including milk products for children up to 36 months of age?

As a first step (with full implementation within 1 year), all companies must achieve full Code compliance in policy and practice for BMS products marketed for infants 0-12 months of age and commit to enforcing that policy globally. No company in the baby food sector currently has a marketing policy that applies to products marketed as suitable for 0-12 months of age in all countries; many have not published a policy at all. So, this first step would require all companies to go beyond their current policies and practices. In addition, this first step will require some companies to take steps beyond what is required by country legislation, if that legislation is less stringent than the Code. This is a strong, important first step that companies need to take to demonstrate their clear intent. Taking an incremental approach, the Call to Action directs companies to start with this step and then move to apply and enforce Code compliant policies for BMS targeting children up to 36 months of age by 2030.

7. What does the Call the Action mean for Code implementation in countries that already have Code provisions for national law?

In countries where national law is more comprehensive and stringent than the Call to Action, then adherence to national law always takes precedence. According to the latest WHO Code implementation status report only 31 countries have legal measures covering the full breadth of the Code. Most countries have limited or no legal measures at all, therefore the Call to Action's commitment to universal compliance for 0-12 months will be critical for having more Code compliant countries regardless of national law.

8. What motivations do companies have to commit to and follow through on the Call to Action?

The Call to Action invites unilateral and voluntary action. However, a public commitment to the Code along with submission of a public roadmap has never been put forward by the companies in the baby food sector before.

The Call to Action, and the companies' commitments and implementation roadmaps will be made public. Because commitment to the Call to Action is voluntary and public-facing, companies will be able to be held to account for delivery of their roadmaps by shareholders, their competitors and all other stakeholders. And because the pathway toward achieving Code compliance will have been designed by the companies themselves, they will be well-equipped to ensure follow through.

Additionally, ATNi will lead an independent monitoring process throughout the duration of the 10-year timeframe. Should the final company responses be available from any of the 10 largest BMS manufacturers when ATNi is undertaking research for its next Global Access to Nutrition Index, evaluations of those responses will be reflected in the Global Index report. A progress report will be included in every subsequent Global Index report, based on an evaluation methodology agreed with the signatories.

Companies would likely face significant reputational risks for failing to follow through with implementing their roadmap to full Code compliance – garnering public criticism from NGOs, governments, and others in the baby food sector.

Code compliance is an issue of critical importance among many in the global health community. It is likely that leading NGOs will be eager to monitor companies' progress and identify if they are not delivering on their commitments. We hope that once companies begin the process, they will be sufficiently incentivized by ATNi, reputational and other benefits, and their own stated commitment to improved global health and nutrition for mothers and babies, to continue to meet their stated commitments.

9. How will companies who reply positively to the Call to Action be acknowledged?

Companies that commit the Call to Action and submit an implementation roadmap will be acknowledged in the following ways:

- Each company will receive a private response from the Call to Action signatories to their initial company response.
- All company responses will be posted on the Call to Action website.
- As responses are being developed, the website will reflect status updates: "Awaiting Response," "Response Received," "Action Plan Submitted." Companies that receive the Call to Action but do not respond will be identified as "non-respondents" on the Call to Action website and potentially in subsequent communications.
- Qualitative assessments of the companies' initial responses will be published on the Call to Action website, based on review by ATNi and the signatories.
- ATNi may present an analysis of companies' implementation roadmaps in its next Global Index report, if they are published in time to be included. Those that submit the most comprehensive and urgent roadmaps are most likely to be highlighted.
- Additional recognition from the Call to Action signatories is dependent on the robustness of responses and timeliness of implementation of action plans.

Better Code compliance will result in better corporate reputation, potentially stronger customer trust and loyalty, and generate additional dividends such as better ATNi scores. Code-compliant companies may also become eligible to participate in programs with NGOs and other agencies that they have to date been excluded from because of their poor policies and record on this issue.

10. How did the Call to Action emerge?

The Call to Action was developed by its signatories who represent leading global health organizations and key partners.

Over the past few years, a group of CSOs and UN agencies have come together with several baby food companies to discuss how to effectively drive progress toward Code compliance and encourage optimal breastfeeding practices and improved nutrition and health for mothers and babies. The Call to Action was informed by this discussion, but it is an independent effort led by global health organizations and stands on its own.

11. How are signatories working to get companies to make progress on Code compliance?

Full Code compliance globally is critical to protecting breastfeeding and promoting the health and well-being of mothers and infants. As such, the work to get all BMS manufacturers to accept and comply with the recommendations of the world's leading authorities on health is rigorous and continuous. The Call to Action is just one tool within broader global initiatives to improve companies' BMS marketing policies and practices.

CSOs and UN agencies work with an array of stakeholders in pursuit of strong Code compliance. Across the signatories of the Call to Action, we:

1. Support national governments to strengthen Code legislation.
2. Provide technical assistance on building systems to monitor compliance with the Code.
3. Identify companies by name when they violate the Code.
4. Engage with investors to encourage them to take companies' performance on Code compliance into
5. account in their research, engagement, and investment decisions.
6. Educate health care workers and others about their responsibilities in engaging with companies; avoiding conflicts of interest; and their role in protecting, promoting and supporting breastfeeding.

12. Which companies have received the Call to Action?

The Call to Action is addressed to all baby food companies globally. It is being publicly posted and sent initially to the 20 largest companies that manufacture BMS, as well as to industry associations to share with their members.

The Call to Action has been sent to:

- Abbott
- Asahi Group Holdings
- Ausnutria Dairy
- China Feihe
- Danone
- Fonterra
- FrieslandCampina
- Health & Happiness (H&H) Group
- HiPP GmbH & Co. Vertrieb KG

- Indofood
- Infant Nutrition Council (INC)
- Inner Mongolia Yili Industrial Group
- International Special Dietary Foods Industries (ISDI)
- Kraft Heinz Company
- Lactalis
- Meiji Group
- Mengniu Dairy
- Morinaga Milk
- Nestlé S.A.
- PepsiCo
- Progress JSC
- RB (Reckitt Benckiser Group)
- Vinamilk
- Waja Nutritionals (Nutrilatt)

13. How can companies get feedback from the Call to Action signatories on their response before issuing a public statement?

The Meridian Institute, the facilitator of the Call to Action, will accept questions from any interested companies. Depending on the complexity of the questions, direct responses may or may not be possible. ATNi will provide feedback to the 10 largest companies included in its forthcoming Global Index and may be able to give guidance to other companies. We ask all companies to first carefully assess current BMS marketing policies and practices against the Code (including all subsequent resolutions), which are linked on the Call to Action website.

14. Why should companies take steps toward Code compliance if this could lead to a loss of market share and a decline in sales?

It is in corporations' best long-term commercial interests to be responsible global citizens and champion of human rights.

Many BMS manufacturers have publicly stated their commitment to corporate responsibility, which includes integrating environmental, social, and governance considerations into their business practices. Specifically, many such companies state on their websites, in their corporate materials, and to their shareholders that contributing to improving infant and young child health and nutrition is part of their corporate mission or core values.

Breastfeeding is a human right. As stated by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women in Law and in Practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breastfeeding:

"Children have the right to life, survival and development and to the highest attainable standard of health, of which breastfeeding must be considered an integral component, as well as safe and nutritious foods. Women have the right to accurate, unbiased information needed to make an informed choice about breastfeeding."

Scientific evidence clearly shows that breastmilk is the optimal nutrition for infants, and the protecting of breastfeeding from inappropriate or unethical marketing is a public health imperative. Following authoritative normative guidance issued by the WHA, the world's leading health policy body, is essential to demonstrating delivery of stated corporate values and goals. In demonstrating progress toward Code compliance, companies may see sales of products other than BMS increase as a result of an improved public image.

15. Why should companies include products from 12-36 months of age in their BMS marketing policy?

In 2016, the WHA adopted Resolution 69.9, defining BMS as milk products targeting infants and children 0-36 months of age. To be fully Code compliant, companies must ensure that products targeting this entire range are appropriately addressed in marketing policies.

WHO has stated that follow-on formula and toddler milks (also known as growing-up milks) targeting children 12-36 months of age are not nutritionally necessary. If children are no longer breastfed during this period, they should be given full-fat cows' or other suitable animal milks rather than manufactured formulas specially targeted to this age group that generally contain added sugar and chemical additives.

Many formula and toddler milk products are sold as a line of products and labelled as Stages 1, 2, 3, and 4 products, where stages are defined as intended for infants and young children of specific ages. Cross-branding or cross-promotion is an established marketing strategy for many product categories to promote products by building loyalty to an entire brand. The practice of cross-branding and cross-promoting formula and toddler milks can lead to two adverse outcomes: 1) the indirect promotion of younger age products for which there are marketing restrictions due to national regulations or company policy, and 2) consumer confusion over the appropriate product for their child, and in some cases children being given formulas that are nutritionally inappropriate for their age and stage of development. Given this common marketing practice, all formula and toddler milk products for 0-36 months of age must be regarded as one product category – BMS – and be subject to the same marketing restrictions. Therefore, any meaningful call to improve the health and nutrition of infants and young children must also include products targeting children 0-36 months of age, in alignment with directives from the leading global health policy agencies.

16. Will companies be a target for negative attention on BMS issues even if they respond positively to the Call to Action?

The signatories of the Call to Action cannot offer any insurance or assurances that all public attention to a company's response to the Call to Action will be positive. The best way for companies to help ensure positive attention to their response would be to submit a robust, urgent implementation plan to achieve Code compliance.

This Call to Action will help to identify the leaders from the laggards in the industry. Companies that receive the Call to Action and do not respond will be identified on the Call to Action website and likely in additional materials, whereas those who respond comprehensively and with urgency will be publicly recognized in the ATNi Global Index. Other opportunities to be publicly acknowledged may arise.

If companies weaken their commitments in the future or fail to follow through on commitments, this will likely be met with negative reactions from the public health community and leave companies vulnerable to negative media coverage.

Further, we expect that increased public acknowledgment for meeting key milestones toward full Code compliance will mitigate to some extent the negative attention companies have had to date.