



**Independent assurance of Nestlé
Ghana's compliance with the World
Health Organisation (WHO)
International Code of Marketing of
Breast Milk Substitutes (1981) and
subsequent World Health Assembly
(WHA) resolutions**

September 2010



Independent Assurance Statement by Bureau Veritas

Introduction

Bureau Veritas has been commissioned by Nestlé S.A. to provide independent assurance of Nestlé Ghana compliance with the World Health Organisation (WHO) International Code of Marketing of Breast Milk Substitutes (1981) and subsequent World Health Assembly (WHA) resolutions (herein known as the WHO Code) and Ghana's L.I. 1667 Breastfeeding Promotion Regulation 2000 (herein known as L.I. 1667). This follows similar work previously conducted by Bureau Veritas for Nestlé in other global operations.

Scope of Work and Methodology

The assurance was conducted in Ghana between 9 and 20 August 2010 by two assessors from Bureau Veritas UK Limited. The team has extensive experience of undertaking WHO Code compliance related work and was supported by a representative of Bureau Veritas' Ghana office.

Preceding the assurance activities in Ghana, Bureau Veritas conducted the following activities:

- completed a Gap Analysis of the WHO Code and L.I.1667 to consider where the scope of L.I.1667 differed from the WHO Code;
- requested a list of Nestlé Ghana employees, hospitals and healthcare professionals, distributors and retailers from Nestlé Ghana;
- identified other external stakeholders (through the Bureau Veritas representative in Ghana) and local NGOs concerned with the protection, promotion and support of breastfeeding; and,
- independently determined a schedule of interviews to take place in Ghana between 9 and 20 August 2010.

During the assurance Bureau Veritas:

- undertook 51 interviews with a comprehensive range of key external stakeholders (Government, multilateral organisations, NGOs, distributors, healthcare professionals). Nestlé was not disclosed as the client in order to avoid bias during interviews, neither was Nestlé Ghana informed in advance of who would be interviewed (except where stated);
- selected and visited 22 healthcare facilities, 1 Nestle Nutrition symposia and 74 retail locations to visually assess compliance with the WHO Code and L.I. 1667, with reference to articles relating to labelling and promotion of products; and
- selected Nestlé Ghana and CWA staff and records for respective interview and review, as part of its evaluation of Nestlé Ghana's internal processes for managing compliance with the WHO Code and L.I.1667 within Ghana.

Findings

The following is a summary of findings from interviews and document review undertaken with a range of key stakeholders.

Nestlé Ghana

All employees interviewed demonstrated an adequate understanding of the WHO Code, Nestlé Instructions and L.I. 1667 and the requirements it places upon their role and responsibilities. Bureau Veritas is satisfied that the internal Procedures Manual has been implemented effectively across Nestlé Ghana operations, and that employees are operating in line with local policy and procedures, and Nestlé SA's overall global approach to management of WHO Code compliance.

No employee interviewed indicated that they were aware of any breaches of the WHO Code, and the Human Resources Department confirmed that no formal or informal disciplinary action had been required regarding compliance with the WHO Code.

Bureau Veritas identified some areas of improvement relation to internal management systems that have been provided to Nestlé Ghana in a separate management report.

Distributors

Sales representatives of the distributors interviewed demonstrated a good understanding of the requirements for marketing Breast-Milk Substitutes (BMS) products within Ghana and the requirements it places upon their role and responsibilities. However, Nestlé Ghana should consider extending WHO Code refresher training to non-sales employees, to ensure continued effective management of the issue.

Government

It was acknowledged among the officials interviewed at the Ghanaian Food and Drugs Board (FDB) that Nestlé Ghana is proactive with regards to compliance with WHO Code and L.I. 1667. Where issues have been raised in the past by FDB on areas such as labelling, the spokesperson stated that Nestlé Ghana has engaged and dealt with the issue professionally and in a timely manner.

Bureau Veritas also interviewed a senior representative of the Ghana Health Service. The representative was of the opinion that Nestlé Ghana generally operates in line with the WHO Code and L.I. 1667, producing only scientific and factual information for distribution to the health care professionals. The representative also noted that Nestlé Ghana is the only manufacturer in Ghana who has had contact with the Ghana Health Service, demonstrating full cooperation on issues pertaining to BMS.

Multilateral organisations/NGOs

One organisation with an interest in the WHO Code was interviewed during the assessment period. The Government Registered Midwives Association, whose policy is exclusive breastfeeding, acknowledged during the interview that Nestlé Ghana acts co-operatively to promote exclusive breastfeeding for first 6 months. The association stated that one of the benefits of the relationship with Nestlé Ghana is the provision of education and knowledge sharing on issues related to infant nutrition and welcomed further interaction in the future.

The senior representative of the Association stated two interpretations of L.I. 1667 which was later discussed with Nestlé Ghana and confirmed as inaccurate. It is Bureau Veritas' opinion that

knowledge of the requirements of the WHO Code and L.I.1667 among key stakeholder groups in Ghana is generally poor.

Healthcare facilities and professionals

Evidence gathered through interviews with HCPs and observations made by Bureau Veritas within healthcare facilities indicates that Nestlé Ghana and other BMS manufacturers are operating in compliance with the WHO Code and L.I. 1667 in Ghana. No examples of any promotional material relating to designated products were observed in consulting rooms or in public waiting areas.

L.I. 1667 prohibits manufacturers from distributing Infant Formula (IF) samples in healthcare facilities. A small proportion of healthcare professionals interviewed stated that they had received a sample of IF from Nestlé Ghana in the past 2 years. However, none of these statements were supported by any objective evidence and Bureau Veritas did not observe any Nestlé IF samples during the audit. Based on evidence from these interviews and observations made, Bureau Veritas does not consider any of these claims to constitute a breach of the WHO Code or L.I. 1667.

Retailers

Visual observations in a range of retail establishments indicate there is no systematic or intentional promotion of any Nestlé IF brands within Ghana through in-store advertisements, coupon redemption schemes, promotional pricing or any other promotional devices. Consistent pricing was evident at all retailers visited.

However, some NIDO 1+ (Prebio) Growing Up Milk promotional material was in circulation despite its recent classification as a 'Designated Product' by the Food and Drugs Board under L.I. 1667. Bureau Veritas observed NIDO 1+ promotional materials at 8 (11%) retail outlets visited during the audit. This is considered a contravention of local legislative instruments in Ghana, in particular Article 1.1 of L.I. 1667 which prohibits any promotional practice in respect of designated products in any public place.

Nestlé Ghana were informed of these incidents during the audit, and clarified that the production of all NIDO 1+ promotional materials had ceased following notification from the FDB in 2009, and an instruction had been sent at the time to all sales persons and third party distributors and merchandisers requesting for all old materials in the market to be re-called. During the audit, Bureau Veritas was provided copies of relevant correspondence to this effect.

Bureau Veritas opinion

From our assurance activities it is our opinion that:

- No significant evidence came to our attention to indicate that Nestlé Ghana is systematically or intentionally operating in contravention of the WHO Code or L.I.1667 within Ghana; and
- The observations concerning the promotion of NIDO 1+ are attributable to Nestlé Ghana, and should be addressed with immediate effect and the situation monitored closely in the future.



Bureau Veritas recommendations

Detailed findings and recommendations from our assurance activities have been provided to Nestlé S.A. in the form of an internal Management Report.

As a priority recommendation, Bureau Veritas recommends that Nestlé S.A. should:

- Ensure that Nestlé Ghana implements the recommendations made concerning the application and adherence to its internal management system for WHO Code compliance;
- Ensure that Nestlé Ghana remove all NIDO 1+ promotional materials observed by Bureau Veritas in retail outlets with immediate effect. Nestlé Ghana should re-communicate the instruction to internal sales staff and third party distributors and merchandisers to re-emphasise the importance of monitoring the market for historic NIDO 1+ promotional materials, and ensure all remaining materials are recalled and destroyed to prevent re-distribution.

Limitations

- Stakeholder interviews were limited to Accra, Tema, Takoradi, Sekondi, Axim, Cape Coast and their environs
- No interviews were conducted with mothers or their families
- All external stakeholders interviews, with the exception of Food and Drugs Board and the Government Association of Midwives, were arranged by Bureau Veritas.

This limited assurance is not intended to provide a definitive opinion as to whether or not Nestlé Ghana complies with the WHO Code or L.I. 1667 within Ghana. Consequently, neither the limited assurance conducted by Bureau Veritas nor this statement constitutes a guarantee or assurance by Bureau Veritas that infringements against the WHO Code or L.I. 1667 have not taken place.

Statement of independence, impartiality and competence

Bureau Veritas is an independent professional services company that specialises in quality, health, safety, social and environmental management advice and compliance with 180 years history in providing independent assurance services.

Bureau Veritas has implemented a Code of Ethics across its businesses which ensures that all our staff maintains high standards in their day to day business activities. We are particularly vigilant in the prevention of conflicts of interest. This assurance assignment did not raise any conflicts of interest.



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London
September 2010