

Annex to IBFAN alternative report to the CRC Committee on the situation of infant and young child feeding in Switzerland

AMENDED VERSION (5th June 2014)

The provisions of the Swiss legislation on the marketing of breastmilk substitutes (articles 11a ODAIOUs and 17 to 19 OAS) do not reflect the full International Code and subsequent relevant WHA resolutions (the Code). The Swiss legislation does not apply to bottles and teats, and covers only infant formula for children under 6 months of age. Indeed, follow-on formula, others foods and breastmilk substitutes aimed at young children are not covered.

Violations of the Code are thus common in Switzerland. For example, according to the 2003 national inquiry on young child feeding, 23% of mothers received samples of breastmilk substitutes during their hospital stay.

The table below illustrates some examples of the many violations of the Code in Switzerland that were found by random monitoring in 2014.

Abbreviations :

OAS: Ordonnance du DFI sur les aliments spéciaux

ODAIIOUs : Ordonnance sur les denrées alimentaires et les objets usuels

<i>Violations</i>	<i>Swiss legislation</i>	<i>International Code</i>
<p>Clip advertisement for BEBA: <i>« [...] BEBA avec protect plus renforce les défenses naturelles de bébé et le protège des petits problèmes sur le modèle du lait maternel [...] »</i></p> <p><i>« [...] BEBA with protect plus reinforces the baby's natural defence system and protects him/her from little problems just like mother's milk [...] »</i></p> <p>Available at: http://www.clipeco.ch/entreprises-et-marques-de-suisse/matieres-transformees/produits-alimentaires/nestle-sa/nestle-suisse-sa/spot-publicitaire-lait-infantile-beba-de-nestle-parlons-bebe.html</p>	<p>VIOLATION</p> <p>Article 11a § 1 ODAIOUs Advertisement for infant formula should contain only factual and science-based information</p> <p>Article 18 § 6 OAS Prohibition of the terms “humanized”, “maternalized”, “adapted” or similar terms</p>	<p>VIOLATION</p> <p>Article 9.2 Prohibition of pictures or texts which may idealize the use of infant formula. The terms “humanized”, “maternalized” or similar terms should not be used.</p> <p>WHA resolution 58.32 (2005) Prohibition of nutrition and health claims for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation.</p>

<p>BÉBÉ BONHEUR Ma pharmacie dès le premier âge</p>  <p>Pharmacie Populaire vous offre un rabais permanent de 10% sur tous les produits bébé</p> <ul style="list-style-type: none"> • Alimentation (laits, petits pots, céréales, etc.) • Soins du corps (visage, cheveux, corps, etc.) • Petite puériculture (biberons, tétines, tire-laits, etc.) <p>Rabais non cumulable avec d'autres avantages sauf Budget Santé, le compte fidélité de Pharmacie Populaire</p> <p>Pharmacie Populaire</p>	<p>VIOLATION</p> <p>Article 11a § 2 ODAI0Us Prohibition of promotional practices such as discount on infant formula for children under 6 months of age</p>	<p>VIOLATION</p> <p>Article 5 There should be no point-of-sale advertising, giving of samples, or any other promotion device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss-leaders and tie-in sales.</p>
<p>BON</p> <p>Für den Kauf von 1 BEBA-Folgemilch Pour l'achat d'un lait de suite BEBA</p>  <p>Nestlé BEBA. Tel gratis: 0800 55 44 66 www.nestlebaby.ch</p> <p>3.00 CHF</p>	<p>NO VIOLATION</p> <p>This highlights the <i>weakness of the Swiss law</i>, which does not fully implement the Code.</p>	<p>VIOLATION</p> <p>Article 5 There should be no point-of-sale advertising, giving of samples, or any other promotion device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss-leaders and tie-in sales.</p>
 <p>Rabatt Rabais 2.- Fr.</p> <p>Bon à la Semoule et à Bouillie aux Fruits</p>	<p>VIOLATION</p> <p>Article 11a § 2 ODAI0Us Prohibition of promotional practices such as discount on infant formula for children under 6 months of age</p>	<p>VIOLATION</p> <p>Article 5 There should be no point-of-sale advertising, giving of samples, or any other promotion device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss-leaders and tie-in sales.</p>
 <p>BIG PACK 450 g</p> <p>milupa</p> <p>Griessbrei Bouillie à la Semoule</p> <p>4+ MONATEN-MOIS</p> <p>OHNE ZUCKERZUSATZ SANS SUCRES AJOUTÉS</p> <p>MIT WASSER ANRÜHREN AJOUTER DE L'EAU</p>	<p>NO VIOLATION</p> <p>This highlights the <i>weakness of the Swiss law</i>, which does not fully implement the Code.</p>	<p>VIOLATION</p> <p>Code Preamble, WHA resolutions 39.28(1986), 45.34 (1992), 47.5 (1994), 49.15 (1996), 54.2 (2001) and 58.32 (2005)</p> <p>It is important that infants be exclusively breastfed for 6 months and only receive safe and appropriate complementary foods thereafter. Every effort should be made to use locally available foods.</p>

		<p>Marketing of complementary foods should not undermine exclusive and sustained breastfeeding. Breastfeeding should continue for up to 2 years and beyond.</p>
	<p>VIOLATION</p> <p>Article 18 § 2 let. E OAS “Follow-on” formula labels should indicate necessary information related to appropriate use of the product and should not be formulated in a way that may prevent mothers to breastfeed their child</p>	<p>VIOLATION</p> <p>WHA resolution 58.32 (2005) Prohibition of nutrition and health claims for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation.</p>
	<p>NO VIOLATION</p> <p>This highlights the <i>weakness of the Swiss law</i>, which does not fully implement the Code and <i>does not cover bottles and teats</i>.</p>	<p>VIOLATION</p> <p>Article 2 The Code applies to the marketing, and practices related thereto, of the following products: [...] feeding bottles and teats.</p> <p>Article 5 There should be no point-of-sale advertising, giving of samples, or any other promotion device to induce sales directly to the consumer at the retail level, such as special displays, discount coupons, premiums, special sales, loss-leaders and tie-in sales.</p>

Conclusion: Based on this overview, strengthening and enforcement of the Swiss Code-based legislation is urgently needed for the Swiss government to fulfill its obligation with regard Article 24 of the Convention on the Rights of the Child.