

Standard  
Mandatory

September 2017

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# Standard for Donations or Low-Cost Supplies for use in Emergencies and for Social Purposes



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**Issuing department**

Global Public Affairs

**Target audience**

All employees, interested members of the public

**Approver**

WHO Code Compliance Committee at Nestlé

**Repository**

All Nestlé Principles and Policies, Standards and Guidelines can be found in NestleDocs, on the Nest

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## Nestlé Standard for Donations or Low-Cost Supplies of Infant Formula and Formula for Special Medical Purposes intended for Infants for use in Emergencies or for Social Purposes<sup>1</sup>

This document defines the Standard related to donations or low-cost supplies of infant formula (IF) and formula for special medical purposes intended for infants (iFSMP) for use in emergencies and disaster situations, as well as for social purposes to orphanages or other bona fide social welfare institutions.<sup>2</sup> Any questions regarding the application of this Standard should be referred to Global Public Affairs and the Nestlé Nutrition Compliance Team at the Corporate Headquarters or Nestlé Health Science Corporate Communications.

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### 1. The normative framework

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We believe that breast milk is the ideal nutrition for infants. This is why we promote the World Health Organization (WHO) recommendation to exclusively breastfeed infants for the first six months of life, followed by the introduction of adequate nutritious complementary foods along with sustained breastfeeding up to two years of age and beyond.

In considering any initiative for the donation or low-cost supply for emergencies and social purposes, it is imperative for Nestlé staff in the Market to bear in mind that breast milk should always be promoted as the first option. When breast milk is not available, the donation or low cost supply of IF or iFSMP must be treated sensitively and the following Standard must be strictly followed. The Company will always supply the requested products to the requestor and not directly to the consumers.

The following WHO documents serve as the basis for the current Standard:

- ***WHO Code, Articles 6.6 and 6.7***

Under the WHO Code, Nestlé may donate or supply at low-cost specified quantities of IF and/or iFSMP, to serve social purposes or for usage in emergencies or humanitarian situations, subject to specific restrictions (Art. 6.6 and 6.7).

- ***WHO Guiding Principles for Feeding Infants and Young Children during Emergencies***

According to the WHO, emergencies do not justify routine distribution and use of BMS. On the contrary, conditions prevailing during emergencies tend to aggravate the health risks associated with artificial feeding. The WHO recommends that whenever there is an emergency, it is extremely important that babies who are already being breastfed continue to be breastfed and that babies who are not breastfed re-start breastfeeding. Only when this is not possible, should babies be given infant formula, in the safest possible way.

1 Emergency is defined as an event or disaster following in the wake of natural or human-induced calamities – for example drought, floods, earthquakes, epidemics, agricultural and ecological catastrophes, war, civil unrest, and severe political and economic upheaval.

2 “Social welfare institution” means an organization which renders health or social welfare services to needy individuals or families, such as care of orphans or foster children, day care of children, assistance to low-income families, among others.

## Scope of the Standard

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**Products scope:** This Standard covers infant formula (IF) and Formula for Special Medical Purposes intended for infants (iFSMP), and apply to Nestlé Nutrition (NN) and Nestlé Health Science (NHSc) products.

**Geographical scope:** This Standard applies globally to all markets in which we operate.

## Standard

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### 3.1

#### Standard for Donations or Low-Cost Supplies of Infant Formula and Formula for Special Medical Purposes Intended for Infants for Use in Emergencies

Emergencies and disaster situations create particular risk conditions affecting the safe use of IF and iFSMP, and a higher level of precautionary measures is called for in a disaster environment. We hence recognise the sensitive nature of infant nutrition products, and the heightened health risks for infants that are not breastfed in emergency circumstances. With this in mind, it is important to have in place a clear framework and a rigorous management system to respond to requests for these products in emergency situations.

In line with the key recommendations of the *WHO Guiding Principles for Feeding Infants and Young Children during Emergencies*, the Company will NOT donate IF and/or iFSMP for use in emergencies in any country, unless all of the following key conditions are met:

- The request for donation of IF and/or iFSMP is made by the competent central government authority of the country affected by the disaster or emergency situation or by the designated Emergency Response coordinating body acting on behalf of the government (from now on “requestor”), through an official letter of request.
- The donated IF and/or iFSMP are delivered only to the requestor through the organisation designated in writing by the government to co-ordinate the emergency response and relief operations.
- In no instance should our humanitarian relief aid shipments of IF and/or iFSMP be delivered directly to mothers or caregivers.

#### 3.1.1 Decision-making process on Donations for Emergency purposes

1. A request for donation of IF and/or iFSMP originating from the requestor must immediately be brought to the attention of the **Market Head**. **The request should specify the type of product sought, the quantity needed and the channel designated by the requestor for delivery and distribution.** Nestlé employees shall not proactively solicit such requests.
2. The **Market Head** shall designate the **Manager** who will interact with the requestor (Corporate Affairs or Government Relations Manager, or the Nestlé Nutrition (NN) or Nestlé Health Science (NHSc) Business Executive Officer, as applicable);
3. The **designated Manager** shall clarify with the requestor all the conditions relating to the donation and its implementation;
4. The **Market Head** shall seek approval of the donation from the Global Public Affairs Department at the Corporate Headquarters in Vevey. He/she shall submit to the Head of Global Public Affairs Department all the information that may be of relevance for an approval or a refusal decision. Global Public Affairs shall consult with the NN Compliance team and/or NHSc Corporate Communications, and provide the Market Head with the Corporate Headquarters’ decision. Global Public Affairs shall also inform the Head of the Zone concerned, the Head of NN and/or the CEO of NHSc;
5. Upon receiving the Corporate Headquarters’ decision, the **Market Head** will give the necessary instructions for the donation to be made, or in case the request is to be declined, for the appropriate explanations to be adequately communicated to the requestor.

6. An official Nestlé response must be sent to the requestor, stating whether the request has been accepted or not and the reason for the decision. If the decision is positive, the letter should also contain information about:
  - a. the key principles of the *WHO Guiding Principles for feeding Infants and Young Children during Emergencies*;
  - b. the type of products, quantity and the delivery and distribution channels and logistics arrangements;
  - c. in case of a donation, to an organisation designated by the government, a statement that the recipient organisation certifies that the products donated are only to be used for the feeding of infants, and can in no case be resold to third parties.
7. All records relevant to the donation, in particular its rationale and records of distribution, must be maintained for 36 months by the Market concerned.

Products supplied must comply with the recipient country's regulations regarding composition and formulation unless otherwise decided by the competent central government authority of the country affected by the disaster or emergency situation or the designated Emergency Response coordinating body.

### **3.1.4 Low-Cost Supplies for a specific emergency or emergency preparedness**

In cases where a government or an internationally recognized aid or relief agency should wish to procure IF and/or iFSMP on a long term basis or on a large scale (significant volumes) and solicit price quotations, the Market must define the prices. The price proposal should be communicated to the Global Public Affairs Department at the Corporate Headquarters in coordination with NN Compliance and/or NHSc Corporate Communications.

### **3.1.2 Donation requests initiated by a third party**

Third party organisations or individuals requesting a donation of IF and/or iFSMP, either from within or outside the country affected by the emergency, should be advised to submit the donation request through the competent central government authority or the designated Emergency Response coordinating body. They should also be referred to the *WHO Guiding Principles for feeding Infants and Young Children during Emergencies* and relevant guidelines issued by the Interagency Working Group on Infant and Young Child Feeding in Emergencies.

### **3.1.3 Labelling and Composition**

In case the government or the Emergency Response Coordinating body identified by the government requested that the donated products bear specific labelling, e.g. generic (unbranded) labels, or stickering of specific information, and Nestlé has agreed to proceed with the donation, this has to be done in alignment with Nestlé's internal instructions on Stickering and Re-Labelling.

All "key label information" (i.e. information required for correct use of the product) must be provided in an appropriate language (one or several national languages, as required) and must comply with national standards and rules of the recipient country, unless otherwise decided by the competent central government authority of the country affected by the disaster or emergency situation or the designated Emergency Response coordinating body.

### 3.2

## Standard for Donations or Low-Cost Supplies of Infant Formula and Formula for Special Medical Purposes Intended for Infants for Social Purposes

If the request to donate or supply IF or iFSMP at low-cost to serve social purposes is originated in a country different than the country that will receive the product(s), the Market where the request is originated must involve the Market in the recipient country in the decision and supervision of the implementation of the donation or low-cost supply.

### 3.2.1 Decision-making process

1. A written request for donation of IF and/or iFSMP originating from the social welfare institution or charity (requestor) must be brought to the attention of the **NN or NHSc Business Executive Officer. The request should specify the type of product sought, the quantity needed, the number of infants who will be benefited, their ages and the period of time to be covered by such donation.** Nestlé personnel shall not proactively solicit such requests.
  2. The Business shall clarify with the requestor all the conditions to the donation or low-cost supply. In view of the sensitive nature of those products, the following precautionary measures must be followed in handling such requests:
    - Check the status of the institution to ensure that it is a bona fide social welfare institution or charity duly registered under national laws. Requests from institutions or charities that do not fulfil this requirement must be declined and the requestor must be informed accordingly;
    - Check if the institution or charity has the capability to handle appropriately the required products and to safely feed the infants.
  3. The Company will reserve the right to determine on a case-by-case basis whether the quantity can be supplied, and will inform the institution concerned of its decision. An official Nestlé response must be sent to the requestor, stating whether the request has been accepted or not and the reason for the decision. If the decision is positive, the letter should also include:
    - a. The key principles of the WHO recommendation on breastfeeding;
    - b. The type of products, quantity and the distribution channels and logistics arrangements;
- c. Our recommendations and instructions on the correct and timely use of our products, and that the supplied products are only to be used for the feeding of infants and can in no case be resold to third parties;
- d. A statement that the recipient organisation certifies that: (i) it has the capability to handle appropriately the products donated according to clear criteria for use and education for caregivers about hygienic and appropriate feeding; (ii) the products donated are only to be used for the feeding of infants, and can in no case be resold to third parties;
- e. Information to the requestor to ensure that they are in a position to continue to meet continued requirements and to do so for as long as the infants concerned need feeding in this way;
- f. In case the requestor intended to use all or part of the supplied products outside the institution, the letter must also make clear that:
  - the use outside the institution of supplies that have been donated is at the discretion and under the responsibility of that institution,
  - the institution must ensure that detailed records relevant to the use are kept and shared with Nestlé upon our request.
4. The requestor must acknowledge the response sent by Nestlé and confirm the criteria shared in the letter;
5. Relevant documentation must be kept on files for 36 months;
6. In low risk countries, if a decision making process has already been implemented, the local instruction can remain, provided it addresses traceability and transparency requirements described in points 1 to 5 in 3.2.1 section.
7. In the event some deviation from the above Standard be considered: the **Global Public Affairs Department** at the Corporate Headquarters will seek the explicit approval of the deviation by the Head of NN and/or the CEO of NHSc and will inform the Market Head accordingly.

### 3.2.2 Low-Cost Supplies for Social Welfare Institutions or Charities

In cases where a social welfare institution or charity should wish to procure IF and/or iFSMP on a long term basis or on a large scale (significant volumes) and solicit price quotations, the Market must define the prices.

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### 3.2.3 Labelling and Composition

Labels must be in an appropriate language (one or several national languages, as required) and must comply with national standards and regulations.

Products supplied must comply with the recipient country's regulations regarding composition and formulation.

The label or lid of the products donated or supplied at reduced price must be clearly marked according to the situation with a sticker stating: "Donation (or low-cost supply) for use with non-breastfed babies at the discretion of the social welfare institution".

The relevant stickering must be done in alignment with internal instructions on Stickering and Re-Labelling.

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## 4. Product quality

According to Article 10 of the *WHO Code*, "the quality of products is an essential element for the protection of the health of infants and therefore must be of a high-recognised standard." On this particular topic, Article 10.1 of the Nestlé Policy and Procedures stresses that "the manufacture and distribution of all Nestlé products for infants is based on this principle".

It is of paramount importance that our infant nutrition products satisfy all our quality management requirements. The same concern for quality must be kept in mind when choosing products to be donated:

- Only first grade stocks can be used. Under no circumstances can damaged stock of IF and/or iFSMP be donated. No expired or about to expire products can be donated, and expiry dates of products supplied must exceed the time required for their intended use in the specific environment and circumstances:

- In case of donation of ready-to-feed IF and/or iFSMP, which is the preferred option for emergencies in view of possible lack of safe water and higher risk of contamination of product preparation utensils, the remaining shelf-life of products donated must be at least **2 months** at the time of delivery to the recipient government institution, relief organisation, social welfare institution or charity.
- In case of donation of powdered IF and/or iFSMP, the remaining shelf-life of products donated must in no case be shorter than **6 months** on receipt of supply.
- This 6-months shelf-life rule also applies to other donated products such as growing-up milks, infant cereals or baby foods.

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## 5. Reference Documents

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- *WHO International Code of Marketing of Breast-Milk Substitutes.*
  - *Nestlé Policy and Procedures for Implementation of the WHO International Code of Marketing of Breast Milk Substitutes.*
  - *WHO Guiding Principles for Feeding Infants and Young Children during Emergencies.*

