

SIGNATORIES' EVALUATION OF MORINAGA MILK'S CALL TO ACTION ROADMAP

8 November 2021

The Signatories' intention was that companies would first commit to all of the asks set out in the Call to Action and deliver a roadmap to outline how and when each of the commitments would be implemented.

Morinaga Milk submitted an initial response on 25th September 2020. Its BMS marketing policy was published in March 2021. The company then submitted its roadmap on October 8th 2021. Given some ambiguity in the roadmap, ATNI requested clarification of some points; the company responded on October 13, 2021.

In terms of Call to Action specific steps:

	Morinaga's commitments in relation to the Call to Action	Related action as set out in roadmap	Signatories' evaluation of roadmap <i>ATNI provides input in assessing the planned actions against the 4 Asks of the Call to Action</i>
Ask 1 Public commitment to full Code compliance, and disclosure of a concrete plan of action	<p>In the submission of its response to the Call to Action, the company did not commit to full Code compliance by 2030.</p> <p>The company did state however the intention to formulate a roadmap after publishing its BMS marketing policy.</p>	<p>In the roadmap Morinaga Milk states that it has developed a BMS marketing policy in March 2021 which <i>"respects both the International Code of Marketing of Breast-milk Substitutes and the World Health Assembly Resolution 69.9"</i>.</p> <p>The company continues to state the following: <i>"To further promote the principles of the BMS Policy, we have gone one step further by formulating a road map toward full compliance with the WHO Code [the International Code of Marketing of Breast-milk Substitutes and WHA Resolution 69.9] by 2030 for the purpose of better optimizing the marketing of BMS handled by the Morinaga Milk Industry Group."</i></p> <p>Morinaga Milk notes within the roadmap that it will also engage in the following measures to pursue full compliance with the WHO Code;</p> <p><i>"We aim to add formula milk for young children between 12 to 36 months to our line-up of products which must comply with the BMS Policy in addition to the infant formula and follow-up milk handled by the Morinaga Milk Industry Group."</i></p>	<p>As opposed to Morinaga Milk's initial response to the Call to Action, the roadmap indicates that the company aims to achieve full unilateral compliance with the Code by 2030 globally for all BMS products 0-36 months.</p> <p>Based on the roadmap, Morinaga Milk refers to the WHO Code as <i>"both the International Code of Marketing of Breast-milk Substitutes and the World Health Assembly Resolution 69.9"</i> but has clarified in its response on October 13, 2021 that it aims to fully comply with the International Code of Marketing of Breast-milk Substitutes and <i>all 18</i> subsequent WHA resolutions up to and including WHA 69.9 <i>globally</i>.</p>

		<p><i>“We will advocate distributors of the Morinaga Milk Industry Group handling products subject to the BMS Policy incorporate all policies equivalent to the BMS Policy and encourage WHO Code compliance.”</i></p> <p>The company also adds that it will fully comply with the laws and regulations related to BMS in each country and that it will adhere to the Morinaga BMS Policy in countries that have either no laws or regulations or laws and regulations which are less stringent than the BMS Policy.</p> <p>Following the submission of the roadmap, further clarification was requested from Morinaga Milk regarding its commitment on achieving full compliance with the Code* given that the company’s roadmap describes the WHO Code to be <i>“both the International Code of Marketing of Breast-milk Substitutes and the World Health Assembly Resolution 69.9”</i>.</p> <p><i>*the Code as described in the BMS Call to Action collectively entails the International Code of Marketing of Breast-milk Substitutes and all subsequent World Health Assembly (WHA) resolutions including WHA 69.9</i></p> <p>Further clarification was also requested regarding the geographic scope of the policy given that Ask 1 requires that the commitment to full Code compliance applies globally and this was unclear in the roadmap shared by the company.</p> <p>Morinaga Milk shared the following responses on October 13, 2021 stating that <i>“Morinaga Milk Industry Group aims to achieve full compliance with the WHO Code by the end of 2030. This does not target only specific regions, but we intend to apply it globally” ... “Morinaga Milk Industry Group is committed to aiming at full compliance with the International Code of Marketing of Breast-milk Substitutes and all 18 subsequent World Health Assembly resolutions up to and including WHA 69.9 by the end of 2030.”</i></p>	<p>Morinaga also states its intention to cover all formula intended for infants and young children from birth up to 36 months of age in its BMS marketing policy. This should also include formulas for special medical purposes as they are also defined by WHO as BMS products.</p> <p>The company is also making a unilateral commitment to adhere to its BMS policy even in countries where relevant regulations are absent or weaker than the company’s policy, in addition to complying with the local laws and regulations on BMS marketing.</p> <p>The new commitments outlined in Morinaga Milk’s roadmap are welcomed and align with the first component of Ask 1 of the BMS Call to Action.</p> <p>However, to fully meet Ask 1, Morinaga Milk needs to disclose a plan of action with clear concrete steps towards achieving full Code compliance by 2030, by explaining how and by when changes would be implemented to reach the intended goal.</p> <p>Such changes would include:</p> <ul style="list-style-type: none"> - revision of the current BMS marketing policy to fully align with the Code - global application of the policy and upholding the BMS marketing policy even where local BMS marketing regulations
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			<p>are absent or weaker than the company policy</p> <ul style="list-style-type: none"> - extending the coverage of the marketing policy to all formulas 0-36 months - plans on implementing the changes in marketing practices on the ground <p><u>Ask 1 is not yet met. Although the company makes the requested commitment to full Code compliance and has disclosed a plan of action, the roadmap does not include clear concrete steps of intended changes in policy and practice in all markets.</u></p>
<p>Ask 2 If company has no BMS policy, adopt and uphold a global Code-aligned BMS marketing policy for BMS 0-12 months</p>	<p>In its initial response, Morinaga Milk had not met Ask 2 of the Call to Action. The company had only shared its intention to publish a BMS marketing policy.</p> <p>The BMS marketing policy was published in March 2021.**</p> <p><i>** ATNI's BMS/CF Marketing Index 2021 did not include Morinaga Milk. ATNI has therefore not assessed the extent to which the company's current BMS Marketing policy aligns to The Code,</i></p>	<p>As stated in the signatories' assessment of Morinaga's initial response, "To fully meet this request, Morinaga would need to ensure that this policy is fully Code-aligned for all countries for products marketed as suitable for infants between birth and 12 months of age, and commit to upholding this policy including in all jurisdictions where regulations are absent or less stringent than its policy."</p>	<p>As noted in the initial assessment of the company's response to the Call to Action, Morinaga Milk did not take the first step by the end of 2020 that was requested in Ask 2. The BMS marketing policy was published in March 2021. Although the alignment of the policy to The Code was not assessed in ATNI's 2021 BMS/CF Marketing Index, the policy has been reviewed and it is found to fall short from the requirement in Ask 2 to adopt and uphold a global Code-aligned BMS marketing policy for BMS 0-12 months. The policy does not cover all articles and sub-articles of the International Code of Marketing of Breast-milk Substitutes, along with all subsequent WHA resolutions that amend or add to the provisions of the original 1981 Code. The policy needs to be applied globally for all BMS (with no distinction between higher-</p>

	<i>though it is in the public domain.</i>		<p>risk and lower-risk countries), and it should be upheld even where regulations are absent or less strict than the company's policy.</p> <p><i>Ask 2 is not yet met.</i></p>
Ask 3 Supporting national legislation fully aligned with the Code	The company did not state that it will support the adoption and implementation of national legislation <u>fully</u> aligned with the Code.	Morinaga Milk does not address Ask 3 in the submitted roadmap either.	<p>The signatories urge Morinaga Milk to commit to support the adoption and implementation of national legislation fully aligned with the Code in order to create a level playing field for all companies.</p> <p><i>Ask 3 is not yet met.</i></p>
Ask 4 Agree to provide information to ATNI	Morinaga Milk had not met this Ask in its initial response to the Call to Action. Given the company was not included in the BMS/CF Marketing Index 2021, no information has been requested/ submitted within that process.	In the submitted roadmap Morinaga Milk states the following: <i>"We have also agreed to provide the BMS Policy and information about putting it into practice to the Access to Nutrition Initiative (ATNI)."</i>	<p>The signatories welcome the company's willingness to engage with ATNI and have its progress monitored towards achieving the stated commitments.</p> <p><i>Ask 4 is now met.</i></p>