



VIRTUAL VIOLATIONS DETECTOR (VIVID) AND FINDINGS

Findings Brief - September 2023

A predominant barrier to improving breastfeeding is the predatory and misleading marketing of breastmilk substitutes (BMS) and related products. Corporations use egregious tactics that evoke doubt in women about their own breastfeeding ability, legitimize unsubstantiated health claims on physiological or developmental benefits, and liken BMS to breastmilk.

The marketing has been especially rampant on digital platforms, as evidenced in the recent [WHO report on Scope and impact of digital marketing strategies for promoting breastmilk substitutes](#)¹. Digital marketing technologies have created new marketing tools that are powerfully persuasive, extremely cost effective, and often not easily recognizable as promotions. The report found that BMS are routinely promoted across a wide range of online channels and social media platforms. The use of digital marketing strategies dramatically increases the reach and impact of BMS promotions. Digital marketing of BMS also involves a broader range of actors than those involved in traditional marketing practices, especially when marketing involves social media, influencers, and user-contributed content. With the highly personalized promotion and the cross-border nature of digital marketing, scrutiny from enforcement agencies is easily evaded. Therefore in May 2022, a Decision was adopted by the World Health Assembly (WHA) to request the Director-General to develop guidance for Member States on regulatory measures to restrict the digital marketing of breastmilk substitutes.



Aiming to disrupt the inappropriate marketing status quo, the **Virtual Violations Detector** (“VIVID”), hosted on the **Corporate Accountability and Tool & Communications Hub (CATCH)** and supported by the **Innovation Incubator** at FHI 360 Global Nutrition, uses artificial intelligence to autodetect large amount of Code violations on digital platforms.

For its pilot/beta phase, **VIVID** covers select companies² in Australia, Hong Kong, Malaysia, Nigeria, Philippines, Singapore, UK, USA, and **Viet Nam**³. Using the International Code of Marketing of Breast-milk Substitutes and relevant WHA resolutions as benchmark, The scope of products includes: a) BMS (up to 36 months / infant formula, follow-up formula, and growing-up milk); b) Bottles and teats; c) Foods for infants and young children (FIYC); and d) Commercial milk formula for pregnant and lactating women⁴ (CMF-PW).

Since the launch of the pilot in October 2022, VIVID has scanned close to 30,000 entries of suspected violations on the digital platforms , with a focus on social media such as Facebook and Instagram.



AUSTRALIA

Vector by [Vecteezy.com](#)

The exclusive breastfeeding rate of Australia is 15.4%, which makes Australia **one of the twenty countries with the lowest breastfeeding rates in the world**. Rampant and unethical marketing is a major barrier to improving breastfeeding. All governments are obligated to adopt legal measures to give effect to the International Code and subsequent relevant WHA resolutions, including the 2016 WHO Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children (2016 WHO Guidance).

However, the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF) is a voluntary system of industry self-regulation among signatory companies. MAIF is not legally-binding, and is administered by panels which are funded by industry. It also relies on consumer reporting which does not sanction Code violations, and it is among the weakest measures used to restrict harmful and unethical marketing globally.

1 Published in 2022, the report was a result of a request to the Director-General from the 73rd World Health Assembly in 2020 (Resolution WHA73.26).

2 The companies are selected based on consultation with local partners and available Code monitoring data. The list of companies selected and the number of companies covered in each country vary from country to country, as there is a capacity limit to the number of links each VIVID machine can crawl. The list of violations provided by the VIVID tool is by no means exhaustive.

3 VIVID Viet Nam is a separate tool that is built in the national language and uses national regulations as benchmark.

4 Although commercial milk formula for pregnant and lactating women (CMF-PW) is not currently covered by the International Code of Marketing of Breast-milk Substitutes, **the marketing of this product has shown to undermine breastfeeding as it is often used as a gateway to promote BMS through cross-promotion. Studies have also shown the product is an ultra-processed food with high concentration of added sugar**, manufactured through industrial processes, and contain cosmetic additives, and consumption could potentially lead to adverse health outcomes for both mother and child. Due to these reasons, CMF-PW is included in the list of products scanned by VIVID.

Overview of Findings from Australia

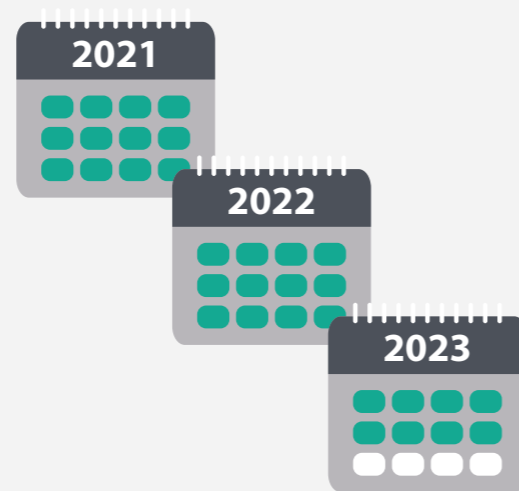
Between October 2022 to August 2023
VIVID detected



**a total
3,793 entries**

as suspected Code violations².

These entries were published between



January 2021 and August 2023

on three main digital platforms:



Company websites



Facebook



Instagram

Where private (or other) users on social media post or repost a link from a company account, each of these posts/reposts counts as a separate entry. The original company links that have been posted/reposted by other users will appear on the VIVID database, but not the user accounts for privacy reasons⁵.

⁵ VIVID database will not show who posted or reposted the original company post/link, but the post/link itself will be detected and recorded on VIVID's database as separate entries.

Company	Number of Entries Detected
Nature One Dairy	1,247
Bellamy's Australia	1,020
Pigeon	861
Medela	306
Nestle	170
A2 Milk Company	161
Others	28
Total	3,793

Among the entries detected as suspected violations, 1,271 entries have been classified with having one or more violation types. When an entry is detected with more than one type of violation, each type is counted separately.

The most frequently detected violation types are:

- 1 Advertisement and general promotion (relevant to Code Article 5.1): **1,021 entries**
- 2 Messages, information, educational materials, and labeling (relevant to Code Articles 4.2, 9.1 and 9.2): **642 entries**
- 3 Health and nutrition claims (relevant to WHA58.32 + WHA61.20): **347 entries**

Violation Types	Description	Relevant Code Article/ WHA Resolution	Counts
Missing required information	Information and education materials missing any of the following: <ul style="list-style-type: none"> a. Benefits and superiority of breastfeeding b. Maternal nutrition and the preparation for and maintenance of breastfeeding c. Negative effect on breastfeeding of introducing partial bottle-feeding d. Difficulty of reversing the decision not to breastfeed and where needed e. Proper use of infant formula 	4.2	129
Messages, information, educational materials, and labeling	Messages, information, and labeling that contain any of the following: <ul style="list-style-type: none"> a. text, images, or messages that discourage breastfeeding b. pictures or text that idealize BMS products or bottlefeeding, e.g. presenting the product as comparable to breastmilk or breastfeeding, using “humanised”, “maternalized” or similar terms, contain pictures of infants 	9.1 + 9.2, 4.2	642
Inadequate labeling (Powdered infant formula warnings)	Label, packaging and messages missing: <ul style="list-style-type: none"> a. Risk of intrinsic contamination of powdered formula b. Needs to be prepared using water first boiled and then cooled to not less than 70°C (WHO/FAO guidelines). 	WHA58.32 + WHA61.20	288
Health and nutrition claims	Messages, information, educational materials, and labeling that contain nutrition or health claims: Text, graphics or icons that state or suggest the product or its ingredients confer special physiological, growth, developmental or functional benefits.	WHA58.32	347
Advertisement and general promotion	Advertisements and other forms of promotion	5.1	1,021

Violation Types	Description	Relevant Code Article/ WHA Resolution	Counts
Contact with mothers	Direct or indirect contact with pregnant women/ mothers of infants and young children.	5.5	210
Discounts and coupons	Discount, coupons, premiums, rewards, point accumulation for rewards, tie-in / bundled sales, or other forms of promotion.	5.3	6
Gifts	Giving gifts (to promote use of BMS or bottle-feeding).	5.4	95
Samples	Giving free samples.	5.2	6

Foods for Infants and Young Children (FIYC) / 2016 WHO Guidance

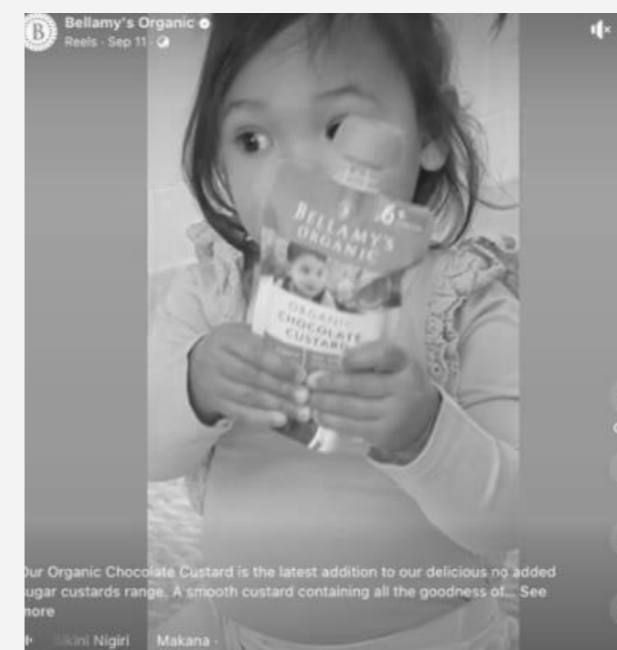
Prohibited text and images for foods for infants and young children	Brochures, online information and package labels of CF contain any of the following: <ul style="list-style-type: none"> a. Images, text, or other representations that may undermine or discourage breastfeeding, or make a comparison to breastmilk b. Suggested use for infants under 6 months (including references to milestones and stages) c. Promotion of bottle-feeding d. Endorsements by a professional body 	2016 WHO Recommendation 4	261
Required text or statements for foods for infants and young children	Brochures, online information and package labels of CF missing any of the following: <ul style="list-style-type: none"> a. A statement on the importance of continued breastfeeding for two years or beyond and the importance of not introducing complementary feeding before six months of age b. The appropriate age of introduction of solids (not less than six months) c. All required label information being visible and legible and easily understood by parents and other caregivers 		

Violation Types	Description	Relevant Code Article/ WHA Resolution	Counts
Health and nutrition claims for foods for infants and young children	Label, packaging and messages (brochures, online information and package labels) includes health or nutrition claims for foods for infants and young children: Text or graphic icons that state or suggest that the product or its ingredients confers special physiological, growth, developmental or functional benefits.	WHA63.23	176
Crosspromotion (Foods for Infants and Young Children)	Labeling, packaging and materials of CF products resemble the company's BMS products (e.g. similar color schemes, designs, names, slogans and mascots)	2016 WHO Recommendation 5	261
Foods for infants and young children cross-promotion with BMS (contact)	Companies that also market BMS products reaching out to / engaging with parents through promotion of their foods for infants and young children (e.g. through giving samples, baby clubs, social media groups, childcare classes and contests)	2016 WHO Recommendation 5	4
Formula Milk for Pregnant (and Lactating) Women (CMF-PW)			
Crosspromotion and undermining breastfeeding (commercial milk formula for pregnant women)	Label, packaging and messages (brochures, online information and package labels) that 1) resemble the company's BMS products (e.g. similar color schemes, designs, names, slogans and mascots); 2) discourage breastfeeding	CMF-PW	26

With AI, it is an ongoing process of human supervised machine learning. The VIVID tool has been built to autodetect large number of likely violations, and ongoing verification is necessary to ensure the machine improve in its accuracy. Even though there are entries where the machine has identified as Code violations but could not identify their specific violation types and relevant Code articles/WHA resolutions, the evidence still indicates the extent of mothers'/parents' exposure to unethical and aggressive marketing that can affect their infant feeding decisions. Apart from the prevalence of marketing, companies use data-mining and algorithms to enhance precision of their marketing, ensuring their marketing matches the profile of their targets.

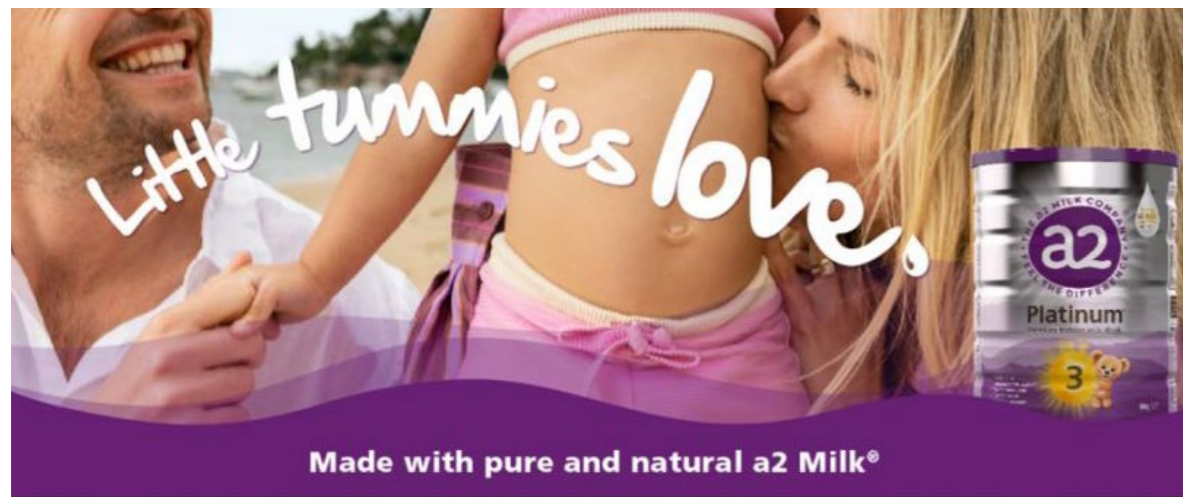
OVERVIEW OF SOME MAJOR THEMES

(Examples taken from entries detected by VIVID)



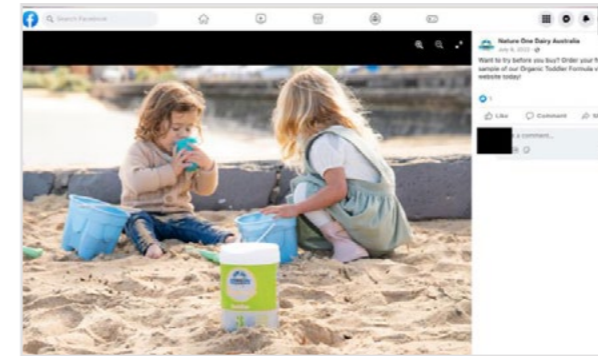
1. Companies Disregard Scope of the Code: Growing-Up Milks as 'Designated' Products for Promotion

The Code applies to marketing of all products that function as BMS (up to 36 months of age), any other products marketed for feeding infants up to 6 months and feeding bottles and teats. The 2016 WHO Guidance covers all commercial foods and non-formula milk beverages marketed for infants and children six months to three years of age. Many of the promotions feature growing-up milk, which is covered by the Code and should not be promoted. Oftentimes, the promotional elements (e.g. labelling, branding and use of mascots) of the growing-up milk also appear very similar to those of the company's other BMS products, serving as a tactic for cross-promotion.



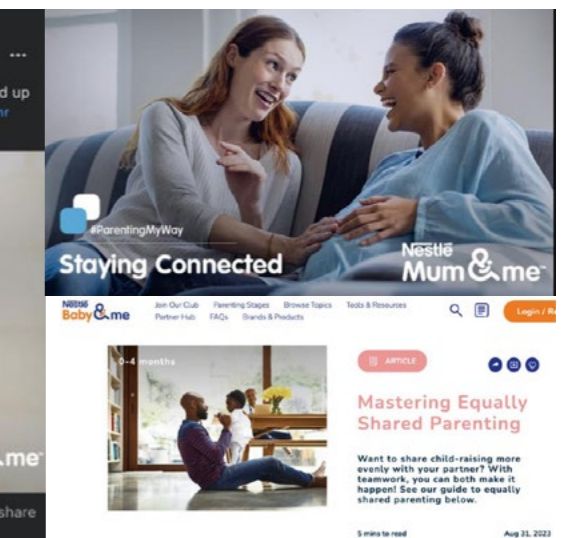
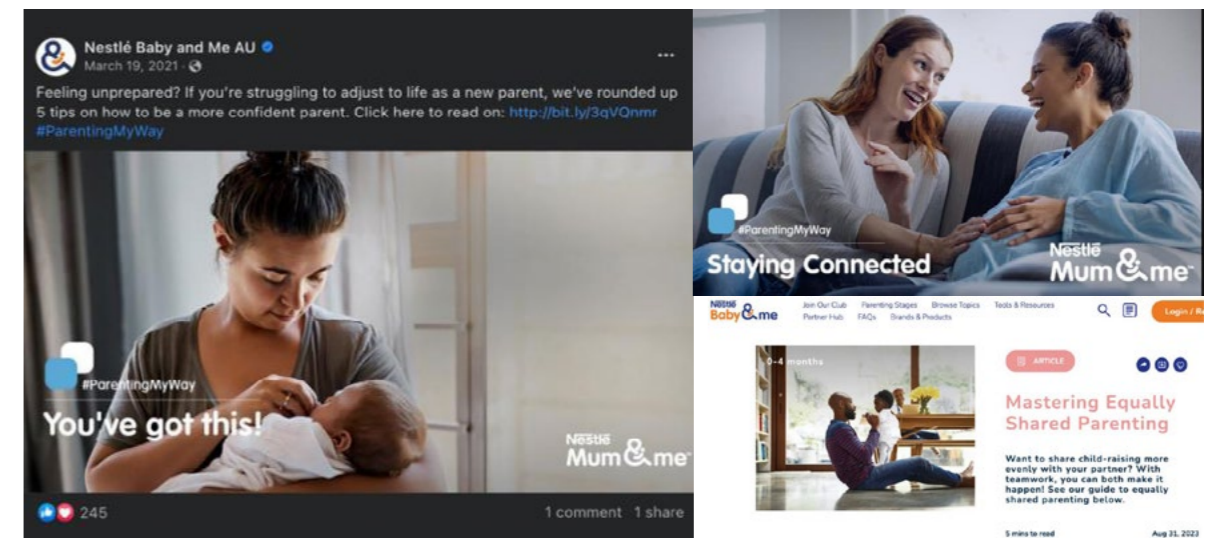
2. Enticing Parents with Gifts

Mothers should not be given free samples of products or gifts which may promote the use of breastmilk substitutes or bottle feeding. Companies are using social media to offer gifts and samples, including BMS and FIYC.



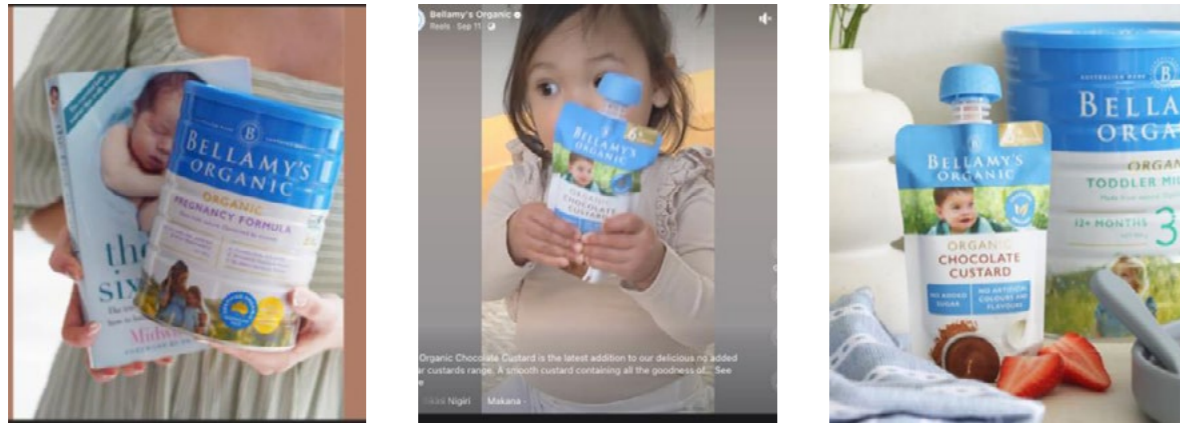
3. Reaching out to Mothers and Parents through Parenting Topics, Clubs, and Hotlines

Companies should not seek direct or indirect contact with parents. However, they use topics that may pique parents' interest to reach out to parents-to-be and new parents. Oftentimes these blogs, articles, or videos are linked to or will lead to registration of company-run baby clubs or parents' hotlines. Even though these activities may not explicitly mention products covered by the Code, according to the 2016 WHO Guidance, no direct reference to a brand name or product is needed for an activity to be considered advertising or promotional. Often, brand icons and mascots, or other more indirect promotional elements or messages such as "Baby & me" and "Mum & me" are used to raise awareness of a brand, or establish a linkage to infant feeding products.



4. Cross-Promotion

There should be no cross-promotion to promote BMS indirectly via the promotion of FIYC children or other products, whether or not they are covered by the scope of the Code. Using “#4 milk”, FIYC, and CMF-PW to cross-promote BMS is a common tactic, as the design, look, and color scheme of the labeling and packaging are almost identical.



a2 Platinum Toddler

15 June 2021 · 🌐

Both a2 Platinum® Premium toddler & junior milk drink contain our a2 Milk™ from cows that have been specially selected to naturally produce milk with only the A2 beta-casein protein type.

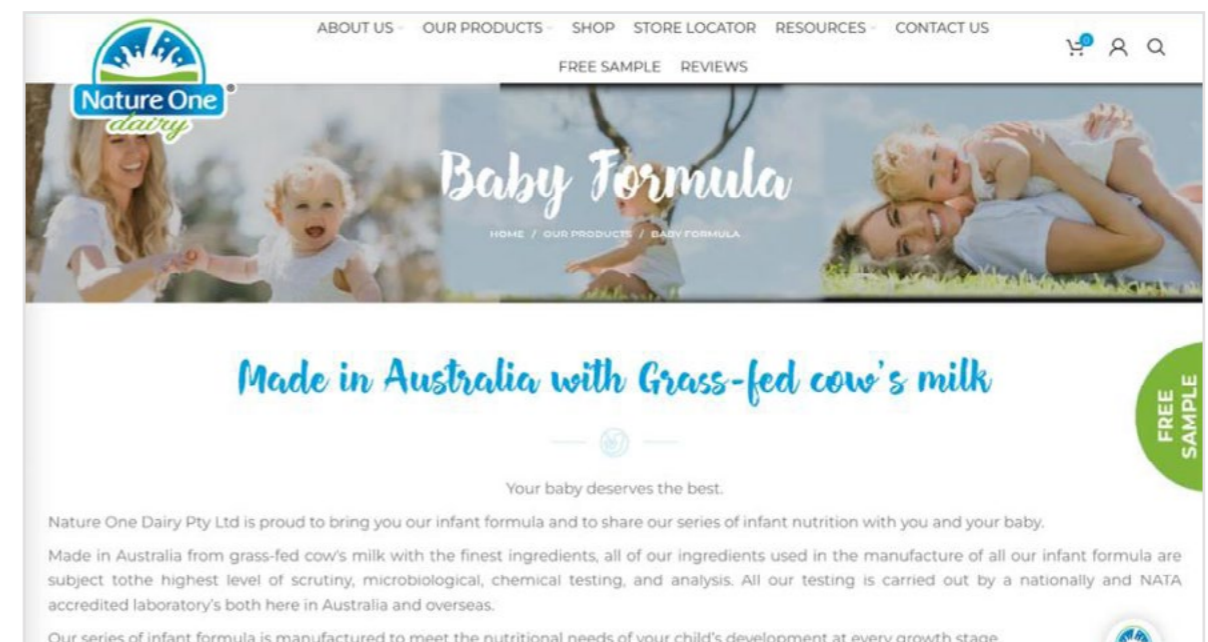
There to support your child's health each step of the way 💜

With vitamin B6, B12, Iron & Zinc for immune support and vitamin C, D for healthy teeth & bones.



5. “Greenwashing” as premiumization

Products are often boasted as having organic, clean, plant-based ingredients, and that they are environmental-friendly (without sound scientific substantiation). These are ways to idealize the product and introduce them into the premium market.



6. Health and Nutrition Claims

There is an upsurge of marketing messages that will have parents believe that visual, cognitive and intellectual advantages, as well as many other benefits can be derived from additives to formula products. There may be unknown adverse side-effects and little evidence to show that the additives perform the functions as claimed. These claims are misleading and unsubstantiated by scientific evidence. Nutrition and health claims are prohibited by resolutions 58.32 [2008] and 63.23 [2010]⁶.



Bellamy's Organic • 24 July • ...

Making sure your toddlers are receiving all the nutrients they need to support their growth and development can be challenging, and as parents we always want the best for our children.

Bellamy's Organic Step 3 Toddler Milk Drink is one way is a premium milk drink that is carefully crafted to support active toddlers from 1 to 3 years of age, when dietary intake may be inadequate. When prepared as directed and consumed as part of a healthy and varied diet.

Bellamy's Organic Step 3 Toddler Milk Drink:

- ♥ Australian dual-certified organic.
- ♥ Included 8 immunity nutrients: Zinc, Iron, Vitamins A, B6, B12, C, D & Folate to support immune system function.
- ♥ Calcium & Vitamin D for strong bones and teeth.
- ♥ Vitamin A & Zinc to support healthy vision.



bellamysorganic • Follow • ...

bellamysorganic Give your toddler a pure start to life.

- ♥ 8 Immunity nutrients: Zinc, Iron, Vitamins A, B6, B12, C, D, Folate to support immune system function.
- ♥ Iodine and Iron for cognitive function.
- ♥ Vitamin A & Zinc to support healthy vision.
- ♥ No sucrose.
- ♥ No artificial colours, flavours or preservatives.

Grab yours at your local supermarket or online at

13 likes
AUGUST 3

Add a comment... Post



What makes a2 Platinum® Premium toddler milk drink different?

a2 Platinum® Premium toddler milk drink is for children over the age of one year old who might not be getting enough nutrition from a varied, healthy diet.

It provides additional nutrients for this time of rapid growth and development. One 171ml serve provides 22-50% of the recommended daily intake (RDI) of 16 essential vitamins and minerals.

- Unique and premium whey and casein protein blend
- Made with a2 Milk® from cows that have been specially selected to naturally produce milk with only A2-type beta-casein protein
- Vitamins A, C, D & folate to help support a healthy immune system
- Iron, zinc & iodine to help support cognitive function
- Calcium, magnesium, phosphorus, vitamins B6, B12 & E to help support normal growth & development
- Calcium & vitamin D to help support healthy bones & teeth
- No artificial colours, no artificial flavours & no preservatives
- Made in New Zealand

⁶ Except where specifically provided for in relevant Codex Alimentarius standards or national legislation.

7. Outrageous Claims on Formula Milk for Pregnant (and Lactating) Women (CMF-PW)

A study in Viet Nam revealed that more than half (53.7%) of the pregnant women believed or strongly believed that CMF-PW would make a child smart and healthy, and the belief is consistent with the marketing messaging and health claims of this product. Companies withhold information about potential harms of CMF-PW. High intake of energy and sugar and consumption of ultra-processed foods is linked with excessive weight gain during pregnancy and increased risk of gestational diabetes, and other conditions that are associated with birth defects. Even though this product is currently not covered by the scope of the Code, some countries have included it in the scope of their national legal measures. Often, these products are promoted with claims about benefits on health and development of the mother and baby. They are also always used as a cross-promotion tool to promote BMS.

a2 Platinum Toddler • 17 March 2021 • ...

a2 Nutrition for mothers™ is made with pure and natural a2 Milk™ and is fortified with additional nutrients to help support the health of mum and her baby, from pre-conception, pregnancy through to breastfeeding.

For more information visit <https://a2nutrition.com.au/products/nutrition-for-mothers>





The **Innovation Incubator** at FHI 360 Global Nutrition finds, tests, adapts and scales solutions for some of the most pressing problems relating to global malnutrition.

The findings were captured by our VIVID Code pilot tool. A certain number of pages/links have been allocated per country (among the 9 countries). We consulted partners on the ground to identify the more active pages to monitor. However, the list of violations provided by the VIVID Global tool is by no means exhaustive. It is complementary to ongoing monitoring at country level, and should not replace it.