

# ***Independent assessment report of Danone's marketing practices in Poland against the Danone Breastmilk Substitutes (BMS) Policy***



## **Introduction**

Bureau Veritas UK Limited ('Bureau Veritas UK') has been engaged by Danone Early Life Nutrition ('Danone') to provide an independent assessment of alignment of its business in Poland, operating as Nutricia Polska Sp. z. o.o. (the 'Country Business Unit' or 'CBU'), with the Danone Policy for the Marketing of Breast-Milk-Substitutes (the 'BMS Policy'), the corresponding internal Corporate guideline, the BMS Directive, and any applicable local regulation ('reference documents').

In Poland, the Government has implemented the WHO Code and related requirements through Commission delegated regulation (EU) 2016/127 of 25 September 2015 and Regulation (EU) No 609/2013 of the European Parliament and the Council of 12 June 2013 and Local legislation (Commission Delegated Regulation 2016/127 - Rozporządzenie Delegowane Komisji (UE) 2016/127) that regulate the marketing of Breast Milk Substitutes (collectively the 'Local Code').

Products covered by the BMS Policy and the Local Code are BMS intended for infants aged between 0 and 6 months ('Covered Products').

## **Scope of Work and Methodology**

The assessment activities were conducted remotely between September - November 2024 using one Lead Auditor from the Bureau Veritas UK and one Auditor from Bureau Veritas Poland. The Bureau Veritas UK Lead Auditor conducted the head office interviews via videoconference calls, and the Bureau Veritas Poland Auditor conducted the marketplace audit both in country and remotely.

During the audit, Bureau Veritas undertook the following activities:

- Interviewed 30 CBU and one distributor personnel responsible for BMS sales, marketing, and compliance using video conferencing applications;
- Reviewed requested documentation and records relating to BMS marketing practices on a sample basis via file-sharing and screen-sharing applications. Topics covered included:
  - local legislation and alignment with the BMS Policy and other reference documents;
  - compliance monitoring, consumer and medical marketing materials and events, labels, internal and regulatory approvals, distribution of product for professional evaluation and training;
- Reviewed 18 e-commerce sites selling Covered Products, and social media webpages managed by the CBU;
- Visually assessed 57 retail locations selling Covered Products in Warsaw. Bureau Veritas independently selected the locations that were visited;
- Visited 10 health care facilities in Warsaw; and
- Placed two anonymous inquiries to the customer careline.

Any findings identified during the verification have been categorised as per the following:

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## **Non-conformance:**

- Any failure to follow a written requirement specified within the BMS Policy
- A failure to achieve Local Code requirements as per our interpretation
- A purposeful failure of the company to correct non-conformances

## **Opportunity for improvement ('OFI'):**

- A process/activity/document that, while currently conforming to the BMS Policy and the Local Code, could be improved to further strengthen the CBUs practices.

The following is a summary of key findings which includes non-conformances and opportunities for improvement.

### **Non-conformances:**

#### *Promotion of Covered Products and Bundled Sale*

During the marketplace audit it was observed that price reduction promotions were offered on Covered Products available on one of the e-commerce platforms. In addition to this, another e-commerce platforms provided bundled sales offer on the Covered Products along with gift. These instances have been grouped as a non-conformance with Danone BMS Policy 3.3 which does not allow promotion of Covered Products.

There was no evidence to suggest that these promotions were placed at the request of Danone or the CBU.

### **Opportunities for improvement**

#### *Labelling of Covered Products*

During the review of labels of Covered Products, it was observed that three out of six labels, included the word 'dopasowana' (tailored or fitted) in the Marketing Information (Product journey) section. It is important to note that the other three product labels do not include such words in the follow-on formula. Use of 'dopasowana' (tailored) word can create room for ambiguity with reference to the interpretation of labelling of Covered Products in relation to EU Regulations - *Commission Delegated Regulation 2016/127 - Rozporządzenie Delegowane Komisji (UE) 2016/127*) which do not permit the use of the word 'adapted' or similar terms. So as to avoid this ambiguity, we recommend that this word is removed from all Covered Product labels.

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There were a number of areas identified where the compliant practices are well-managed and these instances have been summarised in an internal report to Danone.

## **Limitations**

### **Amended Assessment Approach**

We have transitioned to an amended hybrid delivery approach where the Bureau Veritas UK team leading the audit does not travel to the country of assessment, but a Bureau Veritas in-country auditor conducts visits to retail outlets to visually assess alignment with the Policy in Poland and also carries out a telephone survey of HCPs instead of face-to-face interviews due to continued restrictions in place at most Health Care Organisations. This amended delivery approach has the limitation that interviews with stakeholders may not provide the same level of detail or information when conducted remotely. These are in addition to the limitations of conducting this type of engagement where travel to the country of assessment does take place.

Visual inspections of retail outlets were limited to the city of Warsaw. Whilst our methodology is designed to provide an objective independent assessment, it remains that some of the statements made by stakeholders are anecdotal, and evidence may not be available to support their claims.

This statement is not intended to provide a definitive opinion as to whether the CBU complies with the BMS Policy. Neither the assessment conducted by Bureau Veritas nor this statement constitutes a guarantee or assurance by Bureau Veritas that infringements against the BMS Policy and local legislation have not taken place.

It is also not within Bureau Veritas' scope of work to provide an opinion or assessment over the appropriateness of the BMS Policy.

### **Statement of independence, impartiality, and competence**

Bureau Veritas is an independent professional services company that specializes in quality, environmental, health, safety, and social accountability with over 190 years history in providing independent assurance services.

Bureau Veritas has implemented a Code of Ethics across its business 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.

Our assessment team members do not have any involvement in any other projects with Danone outside those of an independent assessment scope and we do not consider there to be a conflict between the other services provided by Bureau Veritas and that of our assurance team.

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The core team of Bureau Veritas UK has extensive experience of undertaking WHO Code assessment related work. Our team completing the work for Danone has extensive knowledge of conducting assurance over environmental, social, health, safety and ethical information and systems, and through its combined experience in this field, an excellent understanding of good practice in corporate responsibility, assurance and the WHO Code.



**Bureau Veritas UK Ltd**

**London**

**29 January 2025**