

Top Hospitals' Formula for Success: No Marketing of Infant Formula

Public Citizen
Ban the Bags

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Acknowledgments

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About Public Citizen

Public Citizen is a national non-profit organization with more than 300,000 members and supporters. We represent consumer interests through lobbying, litigation, administrative advocacy, research, and public education on a broad range of issues including consumer rights in the marketplace, product safety, financial regulation, worker safety, safe and affordable health care, campaign finance reform and government ethics, fair trade, climate change, and corporate and government accountability.

About Ban the Bags

Ban the Bags is a national campaign to stop infant formula company marketing in maternity hospitals. The campaign grew out of efforts in Massachusetts to stop aggressive formula company marketing tactics in hospitals.



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Executive Summary

The vast majority of the nation's most reputable hospitals are blocking infant formula manufacturers from marketing their formula products, according to Public Citizen and Ban the Bags research. Eliminating in-hospital formula promotion through the distribution of formula company-sponsored discharge bags has become a standard best practice among the highest ranked hospitals in *U.S. News and World Report's* Best Hospitals list ("*U.S. News*"). Numerous studies show that women are likely to breastfeed less, and for shorter durations, if they receive formula samples and promotional materials in hospital discharge packs.

Report Findings

- Sixty-seven percent of top hospitals in gynecology (30 out of 45) ranked by *U.S. News* reported not distributing formula company sponsored discharge bags, formula samples or other formula company promotional materials to mothers in their maternity units.
- An additional eleven percent (5 of 45) reported limiting formula company-sponsored discharge bag and sample distribution to moms who request the bags, to "formula feeding moms,"¹ or to Neonatal Intensive Care Unit patients.
- Eighty-two percent (14 of 17) of *U.S. News'* Honor Roll, or overall best hospitals, reported having a policy or practice against distributing formula company sponsored discharge bags or other promotional materials.

Recommendations

- Those highest ranked *U.S. News* hospitals that have not banned formula company sponsored discharged bags should quickly do so. All hospitals should follow the example now set by the top-ranked in the U.S. and eliminate the commercial bags, samples and other promotional materials.
- Healthcare facilities should adopt policies modeled after the World Health Organization's (WHO) International Code of Marketing on Breast-milk Substitutes. They should train staff on how to implement the policies.

¹ "Formula feeding moms" were generally described as those who needed formula for medical purposes, or to those who intend to formula feed.

- City, state and county health departments should develop initiatives to require or encourage hospitals to end infant formula marketing.
- City, state and county legislators should pass legislation requiring that hospitals adopt model policies and follow best practices for breastfeeding, including eliminating formula marketing.
- Formula companies should stop marketing formula in hospitals, in compliance with the WHO's International Code of Marketing of Breast-milk Substitutes.

Introduction

Given the health consequences of not breastfeeding, clinicians should not implicitly promote infant formula by providing venues for its advertisement.

— *U.S. Surgeon General's Call to Action to Support Breastfeeding*
(2011)

Eliminating in-hospital infant formula promotion is no longer just a recommended policy of the U.S. Surgeon General, the Centers for Disease Control and Prevention (CDC) and numerous other national, city, state and global health institutions. It has now become a standard best practice among the nation's "Best Hospitals."² Recent Public Citizen and Ban the Bags campaign research shows that the nation's most reputable hospitals are consistently adopting policies and practices to further breastfeeding support by ending formula marketing. This report finds that the vast majority of the nationally top-ranked hospitals³ by *U.S. News and World Report* ("*U.S. News*") in the specialty of gynecology⁴ and on the Honor Roll⁵ of overall best rankings have limited or ended commercial formula bag distribution in their maternity units, the most common form of in-hospital marketing.⁶

There is overwhelming consensus among major health professional organizations and governmental public health agencies that exclusive breastfeeding for the first six months of a baby's life offers significant health benefits for the mother and the child.⁷ Breastfeeding

² See *U.S. News and World Report Best Hospitals 2013-14*. Retrieved 9 October 2013 from <http://health.usnews.com/best-hospitals>.

³ Only the top-ranked hospitals with maternal/newborn services were part of the study.

⁴ *U.S. News and World Report Best Hospitals 2013-14, Top Ranked Hospitals for Gynecology*, Retrieved 9 October 2013 at <http://health.usnews.com/best-hospitals/rankings/gynecology>. See also Methodology *infra* p. 8 for the reasons gynecological hospitals were chosen.

⁵ See Kimberly Leonard, *Best Hospitals 2013-14: Overview and Honor Roll*, *U.S. News and World Report* (July 16, 2013), Retrieved 9 October 2013 from <http://health.usnews.com/health-news/best-hospitals/articles/2013/07/16/best-hospitals-2013-14-overview-and-honor-roll>. (Seventeen out of the eighteen hospitals on the Honor Roll have birthing units.)

⁶ See Appendix A.

⁷ Studies show that breastfeeding reduces babies' risk of obesity, type 2 diabetes, asthma, necrotizing enterocolitis and respiratory infections and mothers' risk of type 2 diabetes, ovarian cancer, breast cancer and postpartum depression. See U.S. Department of Health and Human Services, "Why Breastfeeding is So Important." Retrieved 10 October 2013 from <http://www.womenshealth.gov/breastfeeding/why->

saves families the cost of formula, results in fewer missed days from work to care for a sick infant, and reduces family expenditures for sick baby visits, hospitalization, and medications.⁸ Meanwhile, the major formula manufacturers in the United States⁹– Abbott (of the Similac brand), Mead Johnson (Enfamil) and Nestle (Gerber Good Start) – enjoy significant revenue and profit from billions of dollars generated annually in formula sales.¹⁰ They have spent millions on aggressive marketing of formula¹¹ since the late 1800s, especially within healthcare facilities at the expense of breastfeeding promotion. In-hospital distribution of formula company sponsored discharge bags is a very effective marketing tool, so companies have consistently found ways to get hospital staff to distribute their promotional materials.¹² Mistakenly viewed as gifts by mothers and hospital staff, even Health Insurance Portability and Accountability Act (HIPAA) privacy

breastfeeding-is-important/index.html; See also American Academy of Pediatrics Section on Breastfeeding. "Breastfeeding and the Use of Human Milk (Policy Statement)." *Pediatrics* 115, no. 2 (2005): 496-506; American Academy of Family Physicians. "Family Physicians Supporting Breastfeeding (Position Paper)." Retrieved 9 February, 2012, from <http://www.aafp.org/online/en/home/policy/policies/b/breastfeedingpositionpaper.html>; Academy of Breastfeeding Medicine. "Position on Breastfeeding." *Breastfeeding Medicine*, no. 4 (2008), <http://online.liebertpub.com/doi/pdfplus/10.1089/bfm.2008.9988>; James, D. C., and B. Dobson. "Position of the American Dietetic Association: Promoting and Supporting Breastfeeding." *Journal of the American Dietetic Association* 105, no. 5 (2005): 810-18; American College of Obstetricians and Gynecologists Committee on Health Care for Underserved Women and Committee on Obstetric Practices. "Special Report from ACOG. Breastfeeding: Maternal and Infant Aspects." *ACOG Clinical Review* 12, no. 1 (suppl) (2007): 1S-16S; National Association of Pediatric Nurse Practitioners. "NAP Position Statement on Breastfeeding." *Journal of Pediatric Health Care* 21, no. 2 (2007): A39-A40

⁸ U.S. Department of Health and Human Services. "The Surgeon General's Call to Action to Support Breastfeeding." U.S. Department of Health and Human Services, Office of the Surgeon General (2011): 3. Retrieved 14 October 2013, from <http://www.surgeongeneral.gov/topics/breastfeeding/calltoactiontosupportbreastfeeding.pdf>. (Women save up to \$1500 per year in formula costs if they exclusively breastfeed.)

⁹ In 2008, three companies make up 98 percent of the market share: Abbott (Similac) at 43 percent, Mead Johnson (Enfamil) at 40 percent, and Nestle (Gerber Good Start) at 15 percent. See Oliveira, Frazao, and Smallwood, "The Infant Formula Market: Consequences of a Change in the Wic Contract Brand." United States Department of Agriculture, Economic Research Service. Retrieved 9 October 2013, from <http://www.ers.usda.gov/Publications/ERR124/ERR124.pdf>.

¹⁰ See Oliveira, Id.; See also Fentiman, Linda C., "Marketing Mothers' Milk: the Commodification of Breastfeeding and the New Markets for Breast Milk and Infant Formula," 34 Nevada Law Journal, 10:29 (March 30, 2010) (See n. 26: "In 2008, the latest year for which detailed figures are available, American consumers purchased \$4.97 billion worth of infant formula." Euromonitor International, Baby Food–US 5tbl.2 (Oct. 2008)).

¹¹ Formula companies spent \$46 million on advertising formula in 2004. See U.S. Government Accountability Office, "Breastfeeding: Some Strategies Used to Market Infant Formula May Discourage Breastfeeding; State Contracts Should Better Protect Against Misuse of the WIC Name," at app. I, 26 (2006).

¹² See e.g. Dungy CI, Christensen-Szalanski J, Losch M, Russell D. "Effect of discharge samples on duration of breast-feeding." *Pediatrics*. 1992;90(2):233-7; Rosenberg KD, Eastham CA, Kasehagen LJ, Sandoval AP. "Marketing infant formula through hospitals: the impact of commercial hospital discharge packs on breastfeeding." *Am J Public Health*. 2008;98(2):290-5.

rules directly recognize formula bag distribution as a form of marketing.¹³ The “gift” bags are usually emblazoned with formula company logos, and include promotional samples of formula, coupons, and sponsored information sheets on formula feeding and breastfeeding.

Numerous studies show that women are likely to breastfeed less, and for shorter durations, if they receive formula samples and promotional materials in hospital discharge packs.¹⁴ Formula bag



distribution effectively influences new mothers to use formula because it sends a powerful message that hospitals endorse formula feeding, even where breastfeeding in hospitals is promoted. Patients trust their doctors and healthcare institutions, and rarely realize these items are distributed to them as part of a marketing effort.¹⁵ According to a recent journal article in *Birth*, the advertising claims made in discharge bags' coupons and booklets contribute to formula use by creating false beliefs about the merits of infant formula and the inadequacy of breast milk.¹⁶ Furthermore, the “gift” bags market the most expensive brands of infant formula, effectively inducing formula feeding mothers to buy the marketed brand and spend an average of \$700 more in additional costs.¹⁷

Evidence of the dangers of formula marketing is so strong that the World Health Organization's (WHO) International Code of Marketing of Breast-milk Substitutes,

¹³ Department of Health and Human Services, *Health Information Privacy: Marketing*, Retrieved 9 October 2013 from <http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/marketing.html>.

¹⁴ Bartick, Melissa, and Arnold Reinhold. "The Burden of Suboptimal Breastfeeding in the United States: A Pediatric Cost Analysis." *Pediatrics* 125, no. 5 (2010): e1048-e56; Donnelly, A., HM Snowden, MJ Renfrew, and MW Woolridge. "Commercial Hospital Discharge Packs for Breastfeeding Women." *Cochrane database of systematic reviews* (2000); Dungy, C.I., J. Christensen-Szalanski, M. Losch, and D. Russell. "Effect of Discharge Samples on Duration of Breast-Feeding." *Pediatrics* 90, no. 2 (1992): 233; Rosenberg, Kenneth D., Carissa A. Eastham, Laurin J. Kasehagen, and Alfredo P. Sandoval. "Marketing Infant Formula through Hospitals: The Impact of Commercial Hospital Discharge Packs on Breastfeeding." *Am J Public Health* 98, no. 2 (2008): 290-95; Snell, BJ, M. Krantz, R. Keeton, K. Delgado, and C. Peckham. "The Association of Formula Samples Given at Hospital Discharge with the Early Duration of Breastfeeding." *Journal of Human Lactation* 8, no. 2 (1992): 67; Wright, Anne, Sydney Rice, and Susan Wells. "Changing Hospital Practices to Increase the Duration of Breastfeeding." *Pediatrics* 97, no. 5 (1996): 669-75; Reiff, Michael I., and Susan M. Essock-Vitale. "Hospital Influences on Early Infant-Feeding Practices." *Pediatrics* 76, no. 6 (1985): 872-79.

¹⁵ *Id.*

¹⁶ Parry K, Taylor E, Hall-Dardess P, Walker M, Labbok, M. "Understanding Women's Interpretations of Infant Formula Advertising". *Birth*, 40, (2013): 115-124.

¹⁷ Oliveira Frazao, and Smallwood, "WIC and the retail price of infant formula." Food Assistance and Nutrition Research Report No. (FANRR39-1). June 2004.

established in 1981, prohibits formula promotion in hospitals.¹⁸ The *U.S. Surgeon General's Call to Action to Support Breastfeeding* specifically recommends enforcement of the Code.¹⁹ The CDC has negatively factored the distribution of formula discharge packs into its Maternity Practices for Infant Nutrition and Care (mPINC) state hospital scores and rankings.²⁰

This report's finding that banning formula marketing is a hospital trend and a best practice affirms CDC research. Every two years, the CDC's mPINC report shows a notable jump in the number of hospitals ending formula marketing. In 2007, only 27.4 percent of hospitals had stopped distributing formula company sponsored materials; and by 2011, the number had jumped to 45.5 percent.²¹

Reputable hospitals are increasingly banning discharge bags with formula samples for a variety of reasons. Some of the hospitals that ended distribution have a Baby-Friendly²² designation or are working towards the designation, which requires an end to in-hospital formula marketing and to accepting free formula supplies from sponsoring companies. Other hospitals may still accept free formula from companies for in-hospital use but have voluntarily ended or limited the practice of distributing the formula company-sponsored discharge bags. Some hospitals have ceased commercial bag distribution with the recognition of potential hazards and liabilities associated with formula contamination or defects.²³ Other hospitals have ended the practice to improve their reputations for providing quality breastfeeding support. Public advocacy and department of health

¹⁸ World Health Organization. "International Code of Marketing of Breast-Milk Substitutes." Retrieved 10 October, 2011, from http://www.who.int/nutrition/publications/code_english.pdf.

¹⁹ U.S. Department of Health and Human Services. "The Surgeon General's Call to Action to Support Breastfeeding." U.S. Department of Health and Human Services, Office of the Surgeon General (2011): 21-22, 43. Retrieved 14 October 2013 from <http://www.surgeongeneral.gov/topics/breastfeeding/calltoactiontosupportbreastfeeding.pdf>.

²⁰ Centers for Disease Control and Prevention, "Maternity Practices in Infant Nutrition and Care in Louisiana – 2011 mPinc Survey," Retrieved 9 October 2013 from <http://www.cdc.gov/breastfeeding/pdf/mPINC/states/mPINC2011Louisiana.pdf>. (See "Needs Improvements")

²¹ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. "CDC National Survey of Maternity Care Practices in Infant Nutrition and Care (mPINC) 2011" Table 5.2a, Retrieve 9 October 2013 from http://www.cdc.gov/breastfeeding/data/mpinc/data/2011/tables5_1a-5_2a.htm.

²² The Baby Friendly Hospital Initiative, a global program of the WHO and the United Nations Children's Fund (UNICEF) was established in 1991 to encourage and recognize hospitals and birthing centers that offer an optimal level of care for infant feeding and mother/baby bonding. It requires that Baby Friendly hospitals reject any free formula and end formula marketing. See generally <http://www.babyfriendlyusa.org/about-us/baby-friendly-hospital-initiative>.

²³ See e.g. "Brown and Crouppen Files Suit over Infant Death and Illness." Business Wire, October 16, 2012. Retrieved 9 October 2013 from <http://www.businesswire.com/news/home/20121016006742/en/Brown-Crouppen-Files-Suit-Infant-Death-Illness>.

initiatives in various states and cities have largely been responsible for the positive trend. All hospitals in Massachusetts and Rhode Island with maternal/newborn services have eliminated commercial formula bag distribution. Maryland, North Carolina, Oklahoma and New York, among other states, have also made substantial progress.

Methodology

This study uses information gathered on *U.S. News and World Report's* ("*U.S. News*") list of "Best Hospitals 2013-14." It separately analyzes two overlapping categories of hospitals: (a) the forty-five highest ranked hospitals in the specialty of gynecology with maternal/newborn services²⁴ and (b) the seventeen hospitals on the *U.S. News'* Honor Roll of the overall highest ranked hospitals with maternal/newborn services.²⁵ The latter category includes fifteen hospitals that were also among the forty-five top ranked hospitals in gynecology with maternal/newborn services plus two additional Honor Roll hospitals with maternal/newborn services that were not among the forty-five top ranked hospitals in gynecology. *U.S. News* does not rank hospitals²⁶ in the specialty area of obstetrics, and only ranks pediatrics as part of its children's hospitals rankings. We used the *U.S. News* rankings in gynecology as the closest proxy for identifying hospitals with high-quality obstetrical care; obstetrics and gynecology are combined into one department at most healthcare facilities, so the quality of the hospitals' obstetrics departments and maternal infant services likely correlates with the quality of its gynecological care.

U.S. News ranks hospitals' performance in specialty areas, including gynecology, using a variety of data categories.²⁷ It uses statistics from the federal Centers for Medicare & Medicaid Services' MedPAR data base and from the American Hospital Association on metrics such as patient survival rates, and safety and staffing ratios.²⁸ Reputation based on a survey of specialist physicians also factors into hospital rankings. *U.S. News'* Honor Roll features hospitals that scored near the top in at least six specialties reflecting the overall

²⁴ There are 52 hospitals ranked but seven of do not provide maternal/newborn services. Rankings range from 1 to 50 with some ties.

²⁵ There 18 hospitals on the *U.S. News* Honor Roll but one does not provide maternal/newborn services.

²⁶ *U.S. News* is currently in the process of determining how to rank hospitals in the specialty areas of prenatal and postpartum care.

²⁷ Avery Comarow, "How We Ranked the Best Hospitals 2013-14: An FAQ", *U.S. News and World Report Health*. (July 16, 2013) Retrieved 9 October 2013 from <http://health.usnews.com/health-news/best-hospitals/articles/2013/07/16/how-we-ranked-the-best-hospitals-2013-14-an-faq>.

²⁸ *Id.*

highest ranked hospitals.²⁹ The *U.S. News* rankings have been subject to criticism and we suggest no endorsement of the ranking process in this report.

The report primarily relies on data gathered through a survey conducted by Public Citizen in September and October of 2013. Public Citizen first contacted the forty-five hospitals (with maternal/newborn services) from the *U.S. News*' top fifty ranked in the category of gynecology and the two remaining hospitals on the *U.S. News* Honor Roll that were not among the top ranked in gynecology, to conduct its Survey on Infant Feeding and Breastfeeding Information and Materials in Hospitals ("survey").³⁰ The survey was mailed and follow up was conducted via phone and/or email to the hospitals' lactation services, labor and delivery, postpartum, gynecology and obstetrics and/or mother education departments. Survey responses were submitted by hospitals through an online form, emailed to the report researcher or conducted over the phone. The researcher made at least five attempts with most hospitals by calling various departments, leaving messages and asking for interdepartmental referrals. The survey respondents included RN lactation consultants, nurse managers, patient care managers and other personnel who felt confident about answering the three substantive questions.³¹

The other major data source for this study was the Ban the Bags campaign website at www.banthebags.org. Ban the Bags is a national campaign to stop formula company marketing in maternity hospitals. It has been in existence since July of 2006 and has been accepting online reports from hospitals when they eliminate commercial discharge bag distribution.



Ban the Bags was consulted to determine whether hospitals unresponsive to the survey had reported to the website within the last seven years. Nine hospitals had reported to Ban the Bags but did not respond to the survey. Ban the Bags recently verified that all previously reporting hospitals still maintain a policy against bag distribution.³²

²⁹ See Kimberly Leonard, *Best Hospitals 2013-14: Overview and Honor Roll*, *U.S. News and World Report* (July 16, 2013), Retrieved 9 October 2013 from <http://health.usnews.com/health-news/best-hospitals/articles/2013/07/16/best-hospitals-2013-14-overview-and-honor-roll>. (Seventeen out of the eighteen hospitals on the Honor Roll have birthing units.)

³⁰ See Appendix B for the survey questions.

³¹ See Appendix A for answers to questions related to formula company-sponsored bags and materials.

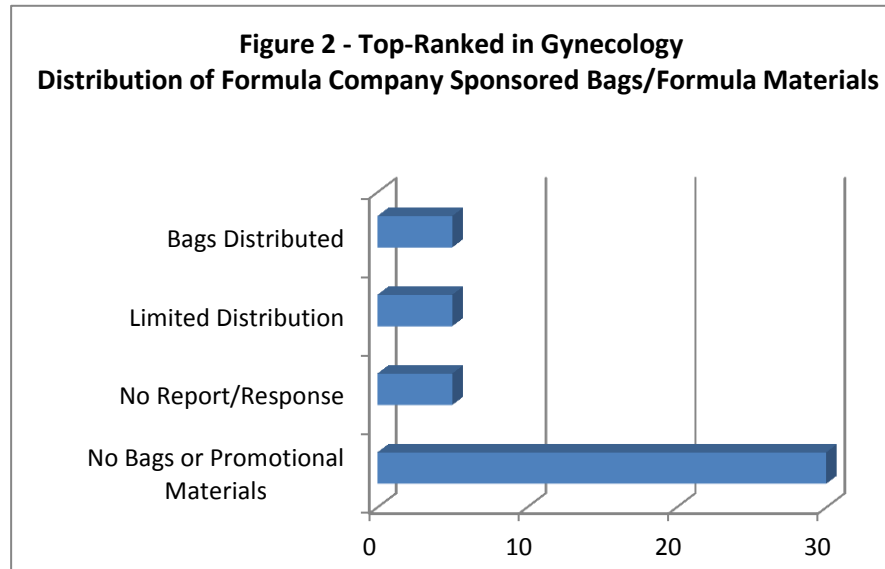
³² Ban the Bags campaign members made direct calls on October 8, 2013 to hospitals that had previously reported eliminating bags.

State breastfeeding coalition websites also verified hospital policies on infant formula marketing.³³

Hospital Practices

Top Ranked in Gynecology

Sixty-seven percent of *U.S. News* top-ranked hospitals in gynecology (30 out of 45) reported not distributing formula company sponsored discharge packs, formula samples or other formula company promotional materials to mothers in their maternity units, either to Public



Citizen or Ban the Bags. [See Figure 1]. These hospitals generally reported having a policy against commercial bag distribution, many due to Baby Friendly³⁴ restrictions.

An additional eleven percent (5 of 45) of hospitals reported limiting commercial bag distribution. Some limit them to mothers who request the bags,³⁵ to “formula feeding moms,”³⁶ or to Neonatal Intensive Care Unit patients. [See Figure 1]. The remaining

³³ The North Carolina Breastfeeding Coalition awarded Duke University for eliminating commercial formula bags and materials throughout the hospital. See http://www.ncbfc.org/images/golden_bow_jan2013.jpg

³⁴ The Baby Friendly Hospital Initiative, a global program of the WHO and the United Nations Children’s Fund (UNICEF) was established in 1991 to encourage and recognize hospitals and birthing centers that offer an optimal level of care for infant feeding and mother/baby bonding. It requires that Baby Friendly hospitals reject any free formula and end formula marketing. See generally www.babyfriendlyusa.org.

³⁵ Mothers who request bags may intend to breastfeed and are not necessarily “formula feeding.” The requests are often based on formula company coupons sent to their homes for free bags or downloaded from formula company websites, according to the respondents.

³⁶ “Formula feeding moms” were generally described as those who needed formula for medical purposes, or those who intend to formula feed for any other reason.

reporting hospitals did not state whether free formula was specifically given to mothers who were “formula feeding” upon need or request. One hospital limited bag distribution to mothers in its Neonatal Intensive Care Unit, but prohibited them in the Mother Baby Unit.

Eleven percent (5 of 45) reported having no policy against distributing discharge bags and generally distribute bags with formula samples, coupons and other promotional materials. At least two of these hospitals reported providing them to all mothers, including those who intend to breastfeed. The other three did not specify whether bag distribution had limitations. Since general distribution of bags to all mothers has been the default practice for many years in hospitals that allow formula marketing, this report presumes bag distribution is widespread in these cases.

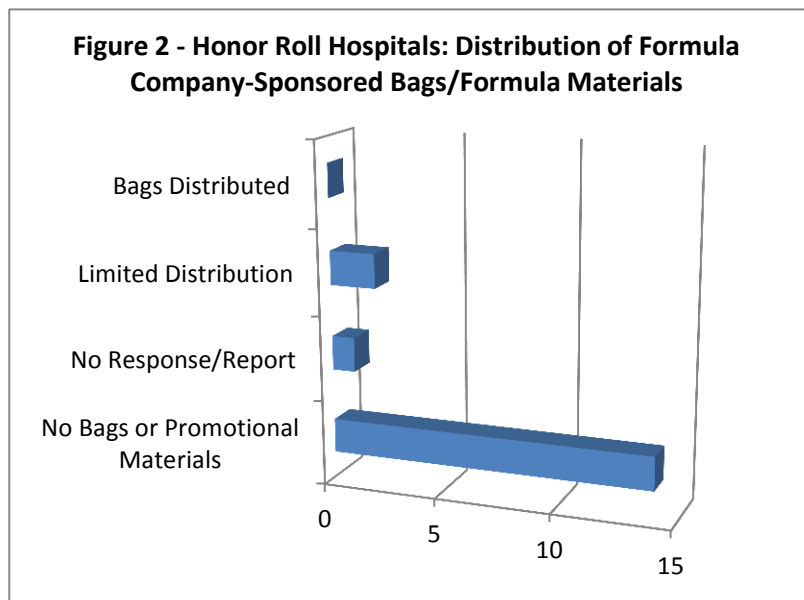
Another eleven percent (5 out of 45) of hospitals did not respond to Public Citizen’s survey after at least five contact attempts to various units and departments, nor did they report to banthebags.org.

All of the hospital respondents to Public Citizen’s survey reported providing information on benefits of breastfeeding to new mothers. Most hospitals offered prenatal classes and some offered significant postpartum support. Others reported providing additional information on the disadvantages of formula feeding.

Honor Roll Hospitals

Eighty two percent (14 out of the 17) of the overall best hospitals with maternal newborn services on *U.S. News’* Honor Roll reported having a policy or practice against distributing formula company-sponsored discharge bags or other promotional materials. [See Figure 2.] Two hospitals limit the distribution of

commercial bags and one hospital did not respond to the survey or report to banthebags.org. (Two of the hospitals that reported banning discharge bags were not ranked within the top fifty in the specialty of gynecology.)



Notable Comments from Public Citizen Survey³⁷

The majority of the surveyed hospitals that had banned commercial discharge bags stated they have written policies against formula promotion, including bag distribution. Hospitals said they are designated Baby Friendly or are on the 4D Pathway to Baby-Friendly designation.³⁸ Baby Friendly designation requires that hospitals adopt policies against formula promotion. Others mentioned their hospitals have protocols and practices but not formal policies against formula promotion or commercial bag distribution.

One respondent expressed that direct-to-consumer formula company marketing to expecting mothers' and nurses influences new mothers' interest in formula feeding. Formula company marketing materials tell consumers to request "their free bag," or free formula samples at the hospital. Therefore, certain mothers only receive such promotional materials upon request.

Another respondent stated that some nurses were more "zealous" about sending formula home with mothers than others, depending on their level of support for breastfeeding. Therefore the practice of infant formula distribution was inconsistent among staff.

A formula company sponsored different bags for "breastfeeding" moms and "infant formula feeding moms," commented another respondent. Both bags include information produced by the sponsoring formula company, denoting the company logo. Both bags include formula samples, but the breastfeeding bag has more information on breastfeeding.

A few hospitals mentioned that they send home small amounts of extra formula with formula feeding moms. The respondents did not consider the extra formula to be promotional samples.

One of these respondents reported that her hospital employer still provides formula company-sponsored discharge packs, but it has formally committed to ending the practice in the future, pursuant to a state initiative to support breastfeeding.

Notable Comments Accompanying Ban the Bags Reports

One hospital reported that after ending the practice of distributing discharge bags, "there were challenges with staff acceptance that they no longer were giving free gifts to

³⁷ Many of these comments reflect surveys conducted over the phone and subsequent conversation and are therefore not direct quotes.

³⁸ These hospitals are in the process of implementing breastfeeding support policies required for the Baby Friendly designation. See n. 34 for a description of the Baby Friendly Hospital Initiative.

patients. Only a handful of patients asked about the diaper bag and were not upset when we explained why we were no longer giving them out.”

Another hospital reported to Ban the Bags “we are registered with Baby-Friendly USA and on the 4D Pathway to Baby-Friendly Designation. With recommendations from the American Academy of Pediatrics (AAP), the American College of Obstetrics and Gynecology (ACOG), The American Academy of Family Medicine (AAFM), the World Health Organization (WHO), the CDC and our pediatric department, we discovered evidence-based research showing the negative effects of advertising and distributing free formula samples and coupons.”

Another noted, “time was spent discussing, debating and finally deciding to eliminate the bags, with approval from the hospital administration. We will promote healthy living as a longtime endeavor, beginning with prenatal information and support for the breastfeeding mother.”

Conclusion

Over the last few years, various U.S. governmental and non-governmental agencies and institutions have initiated efforts to improve breastfeeding rates by recommending that the healthcare system, including hospitals, abandon the practice of formula marketing through commercial gift bag distribution. Healthcare facilities have been encouraged and pressured into complying with the WHO International Code of Marketing of Breast-milk Substitutes to deter formula companies from detrimentally influencing new and expecting mothers. Advocacy campaigns and public encouragement are finally paying off as ending formula promotion becomes a best practice among the nation’s most reputable hospitals.

More hospitals are expected to follow the healthcare industry leaders. State and city departments of health across the country are increasingly working with hospitals to become Baby Friendly or to adopt similar policies. Many hospitals are also independently realizing that eliminating commercial discharge bags is an easy, affordable way to improve breastfeeding support practices and improve their reputations. Others understand that commercialism in hospitals is simply unethical. In 2011, the majority of U.S. hospitals were still distributing commercial formula bags and samples, despite progress. The CDC statistics for 2013 could and should reflect a much needed shift if more hospitals adopt best practices. All new mothers deserve optimal breastfeeding support, free of commercial influence, no matter where they give birth.

Recommendations

- **Healthcare facilities**, including hospitals, clinics and doctor's offices, should adopt policies modeled after the World Health Organization's International Code of Marketing on Breast-milk Substitutes. The Code requires:
 - No advertising of breast milk substitutes to families
 - No free samples or supplies in the health care system.
 - No promotion of products through health care facilities, including no free or low-cost formula.
 - No contact between marketing personnel and mothers.
 - No gifts or personal samples to health workers.
 - No words or pictures idealizing artificial feeding, including pictures of infants, on the labels or product.
 - Information to health workers should be scientific and factual only.
 - All information on artificial feeding, including labels, should explain the benefits of breastfeeding and the costs and hazards associated with artificial feeding.

The Academy of Breastfeeding Medicine's model policy³⁹ includes:

"Name of institution" does not accept free formula or free breastmilk substitutes. Nursery or Neonatal Intensive Care Unit discharge bags offered to all mothers will not contain infant formula, coupons for formula, logos of formula companies, or literature with formula company logos.

- **Healthcare facilities** should train staff on how to put their policies into practice. Hospitals should educate staff on why the policy is ethical and good for public health. Staff should be able to comprehensively explain hospital policy, and the reasoning behind it to patients who request formula samples and discharge bags. Hospitals can model their trainings off of the California Department of Public Health's model breastfeeding support staff trainings.⁴⁰

³⁹ The Academy of Breastfeeding Medicine Protocol Committee, "ABM Clinical Protocol #7: Model Breastfeeding Policy (Revision 2010)," *Breastfeeding Medicine*, Volume 5, Number 4 (2010). Retrieved 15 October 2013 from <http://www.bfmed.org/Media/Files/Protocols/English%20Protocol%207%20Model%20Hospital%20Policy.pdf>. (See p. 2)

⁴⁰ California Department of Public Health, "Birth and Beyond California: Hospital Breastfeeding Quality Improvement and Staff Training Demonstration Project." Retrieved 15 October 2013 from <http://www.cdph.ca.gov/HealthInfo/healthyliving/childfamily/Pages/BirthandBeyondCaliforniaDescription.aspx>.

- **City, state and county health departments** should develop initiatives to require or encourage hospitals to end infant formula marketing. Initiatives should involve adopting regulations mandating that hospitals end formula marketing. If regulatory change is impractical, health departments should develop voluntary initiatives to incentivize best practices. Initiatives should publicly acknowledge the hospitals that adopt best practices and model policies and provide encouragement and guidance to hospitals that need assistance in developing and implementing policy.

Health departments in New York City and Maryland have initiated efforts to urge hospitals to develop breastfeeding support policies and practices. The Maryland Department of Health and Mental Hygiene's Breastfeeding Support Policy Recommendations includes one stating:

Do not accept free formula, advertisements, or formula coupons for use in the hospital or distribution to breastfeeding mothers.⁴¹

All of Maryland's hospitals have committed to adopting the policy, though some have not yet adopted or implemented it. New York City's initiative, Latch On NYC, calls on hospitals to "pledge to end the distribution of promotional formula and materials during the hospital stay and at discharge."⁴²

- **City, state and county legislators** should pass legislation requiring that hospitals adopt model policies and follow best practices for breastfeeding, including eliminating formula marketing. California, for example, recently enacted a law that requires all general acute care hospitals and special hospitals that have a perinatal unit to adopt the "Ten Steps to Successful Breastfeeding," as adopted by Baby-Friendly USA, or an alternate process adopted by a health care service plan that includes evidenced-based policies and practices and targeted outcomes, or the Model Hospital Policy Recommendations. This law will pave the way for regulations requiring that hospitals end infant formula marketing.
- **Formula companies** should stop marketing formula in healthcare facilities in order to comply with the WHO's International Code of Marketing of Breast-milk Substitutes.

⁴¹ Maryland Department of Health and Mental Hygiene, "Maryland Hospital Breastfeeding Policy Recommendations," 5 (October 2012). Retrieved 15 October 2013 from <http://phpa.dhmh.maryland.gov/wic/Documents/MarylandHospitalBreastfeedingPolicyRecommendations.pdf>.

⁴² New York City Department of Health and Mental Hygiene, *Latch on NYC: A Hospital Based Initiative to Support a Mother's Decision to Breastfeed*, Retrieved 15 October 2013 from <http://www.nyc.gov/html/doh/downloads/pdf/ms/initiative-description.pdf>.

APPENDIX A

Distribution of Formula Company-Sponsored Discharge Bags/Materials⁴³ Survey and Report Results

Top Ranked Hospital ⁴⁴	Honor ⁴⁵ Roll	City	State	Source ⁴⁶	Practice/Policy
Loma Linda University Medical Center Children's Hospital		Loma Linda	CA	Public Citizen	Banned commercial bags/materials
Cedars-Sinai Medical Center	Y	Los Angeles	CA	Public Citizen	Banned commercial bags/materials
Lucile Packard Children's Hospital (Stanford Medical Center)		Palo Alto	CA	Public Citizen	Banned commercial bags/materials
John Muir Medical Center Walnut Creek		Walnut Creek	CA	Public Citizen	Banned commercial bags/materials
Ronald Reagan UCLA Medical Center	Y	Los Angeles	CA	Public Citizen	Banned commercial bags/materials
UCSF Medical Center Benioff Children's Hospital	Y	San Francisco	CA	Public Citizen	Limited ⁴⁷ distribution of commercial bags/materials
Scripps Memorial Hospital-La Jolla		La Jolla	CA	Public Citizen	Limited distribution of bags/materials
Yale-New Haven Hospital		New Haven	CT	Ban the Bags	Banned commercial bags/materials
Christiana Care Health System		Newark	DE	Public Citizen	Banned commercial bags/materials
Florida Hospital - Orlando		Orlando	FL	Public Citizen	Limited distribution of bags/materials

⁴³ Materials include formula samples, coupons and any other promotional items or information sponsored by formula companies.

⁴⁴ These 47 hospitals are within the *U.S. News and World Report's* top-ranked hospitals in gynecology with the exception of the IU Health System- Academic Health Center and NYU Langone Medical Center which are only on the Honor Roll of overall best hospitals.

⁴⁵ The *U.S. News and World Report* Honor Roll is a list of the overall best hospitals, based on high rankings in a variety of specialty areas.

⁴⁶ Completed Public Citizen's Survey (See Appendix B) or reported to banthebags.org, recently verified by phone.

⁴⁷ Limited distribution of discharge packs and samples to formula feeding mothers, upon request or only in the Neonatal Intensive Care Unit.

Top Ranked Hospital⁴⁸	Honor⁴⁹ Roll	City	State	Source⁵⁰	Practice/Policy
Sarasota Memorial Hospital		Sarasota	FL	Public Citizen	Limited distribution of bags/materials
Northwestern Memorial Hospital	Y	Chicago	IL		No Response
NorthShore University Health System Evanston Hospital		Evanston	IL	Public Citizen	Banned commercial bags/materials
St. Vincent Women's Hospital		Indianapolis	IN	Public Citizen	Distributes bags without restriction
IU Health Academic Health Center	Y (not GYN)	Indianapolis	IN	Public Citizen	Banned commercial bags/materials
Brigham and Women's Hospital	Y	Boston	MA	Ban the Bags	Banned commercial bags/materials
Massachusetts General Hospital	Y	Boston	MA	Ban the Bags	Banned commercial bags/materials
University of Maryland Medical Center		Baltimore	MD	Public Citizen	Distributes bags without restriction ⁵¹
Johns Hopkins Hospital	Y	Baltimore	MD	Public Citizen	Banned commercial bags/materials
University of Michigan Hospitals and Health Centers		Ann Arbor	MI	Ban the Bags	Banned commercial bags/materials
Spectrum Health Butterworth Hospital		Grand Rapids	MI		No Response
Abbott Northwestern Hospital		Minneapolis	MN	Ban the Bags	Banned commercial bags/materials
Mayo Clinic	Y	Rochester	MN	Ban the Bags	Banned commercial bags/materials
Barnes-Jewish Hospital	Y	St. Louis	MO	Public Citizen	Banned commercial bags/materials
Wake Forest Baptist Health-Lexington Medical Center		Lexington	NC	Public Citizen	Distributes bags without restriction

⁴⁸ These 47 hospitals are within the *U.S. News and World Report's* top-ranked hospitals in gynecology with the exception of the IU Health System- Academic Health Center and NYU Langone Medical Center which are only on the Honor Roll of overall best hospitals.

⁴⁹ The *U.S. News and World Report* Honor Roll is a list of the overall best hospitals, based on high rankings in a variety of specialty areas.

⁵⁰ Completed Public Citizen's Survey (See Appendix B) or reported to banthebags.org, recently verified by phone.

⁵¹ The University of Maryland Medical Center has committed to ending formula promotion but has not yet implemented its policy commitments.

Top Ranked Hospital⁵²	Honor⁵³ Roll	City	State	Source⁵⁴	Practice/Policy
UNC Hospitals - NC Women's Hospital		Chapel Hill	NC	Ban the Bags	Banned commercial bags/materials
Duke University Hospital	Y	Durham	NC	NC BF ⁵⁵	Banned commercial bags/materials
Morristown Medical Center		Morristown	NJ	Public Citizen	Banned commercial bags/materials
Strong Memorial Hospital of the University of Rochester		Rochester	NY	Public Citizen	Banned commercial bags/materials
NYU Langone Medical Center	Y (not GYN)	New York	NY	Public Citizen	Banned commercial bags/materials
New York Presbyterian Hospital - Columbia	Y	New York	NY	Public Citizen	Banned commercial bags/materials
University Hospitals Case Medical Center - MacDonald Women's Hospital	Y	Cleveland	OH	Ban the Bags	Banned commercial bags/materials
OHSU Hospital		Portland	OR	Ban the Bags	Banned commercial bags/materials
Lehigh Valley Hospital		Allentown	PA	Ban the Bags	Banned commercial bags/materials
Hospital of the University of Pennsylvania	Y	Philadelphia	PA	Public Citizen	Banned commercial bags/materials
Thomas Jefferson University Hospital	Y	Philadelphia	PA	Public Citizen	Banned commercial bags/materials
Magee Women's Hospital of UPMC		Pittsburgh	PA	Public Citizen	Banned commercial bags/materials
Hahnemann University Hospital		Philadelphia	PA	Public Citizen	Distributes bags without restriction
Western Pennsylvania Hospital		Pittsburgh	PA	Public Citizen	Distributes bags without restriction

⁵² These 47 hospitals are within the *U.S. News and World Report's* top-ranked hospitals in gynecology with the exception of the IU Health System- Academic Health Center and NYU Langone Medical Center which are only on the Honor Roll of overall best hospitals.

⁵³ The *U.S. News and World Report* Honor Roll is a list of the overall best hospitals, based on high rankings in a variety of specialty areas.

⁵⁴ Completed Public Citizen's Survey (See Appendix B) or reported to banthebags.org, recently verified by phone.

⁵⁵ The North Carolina Breastfeeding Coalition awarded Duke for eliminating commercial formula bags and materials throughout the hospital. See http://www.ncbfc.org/images/golden_bow_jan2013.jpg

Top Ranked Hospital⁵⁶	Honor⁵⁷ Roll	City	State	Source⁵⁸	Practice/Policy
UPMC Mercy	Y	Pittsburgh	PA	Public Citizen	Limited distribution of bags/materials
Avera McKennan Hospital and University Health Center		Sioux Falls	SD		No Response
Vanderbilt University Medical Center		Nashville	TN		No Response
Baylor University Medical Center		Dallas	TX	Public Citizen	Banned commercial bags/materials
UT Southwestern Hospital -St. Paul University Hospital		Dallas	TX	Public Citizen	Banned commercial bags/materials
The Methodist Hospital		Houston	TX	Public Citizen	Banned commercial bags/materials
Inova Fairfax Hospital		Falls Church	VA		No Response
Aurora West Allis Medical Center		West Allis	WI	Public Citizen	Banned commercial bags/materials

⁵⁶ These 47 hospitals are within the *U.S. News and World Report's* top-ranked hospitals in gynecology with the exception of the IU Health System- Academic Health Center and NYU Langone Medical Center which are only on the Honor Roll of overall best hospitals.

⁵⁷ The *U.S. News and World Report* Honor Roll is a list of the overall best hospitals, based on high rankings in a variety of specialty areas.

⁵⁸ Completed Public Citizen's Survey (See Appendix B) or reported to banthebags.org and recently verified by phone.

APPENDIX B

PUBLIC CITIZEN SURVEY ON INFANT FORMULA AND BREASTFEEDING INFORMATION AND MATERIALS IN HOSPITALS

1. Name and Address of Hospital:

2. Name, Title and Email of Contact Person Responding to Survey:

3. Does your hospital provide information on the benefits and disadvantages of breastfeeding and/or infant formula feeding to patients in its maternity unit?
 Yes No

Please describe or enclose relevant informational material.

4. Does your hospital maintain a policy on distributing infant formula company-provided discharge packs or other formula materials to new mothers?
 Yes No

Please describe the policy or enclose the policy statement, if any.

5. Does the hospital distribute any of the following items to patients free of charge? (select all that apply)
 - Infant formula samples
 - Nipples, bottles, coupons or other formula-related materials
 - Discharge packs/bags with formula names or logos of displayed
 - Breast pumps
 - Other informational/promotional materials related to infant formula and/or breastfeeding (specify):

Comments or additional information: