

2005 CHRONOLOGY OF WITHDRAWAL OF NESTLÉ AND OTHER LIQUID MILKS

NOTE: NESTLE REFERS TO “RECALL”, THE ITALIAN AUTHORITIES TO “CONFISCATION” OR “SEIZURE” AND THE PRESS TO “WITHDRAWAL” OR “CONFISCATION”.

July 2005: First tests of Nestlé ready-to-feed liquid formula in the Marche region of Italy show contamination by IsopropylThioXanthone (ITX), a fixative of printing ink used in offset printing of the company’s logo and design on liquid milk cartons (produced by TetraPack, a large Swedish-based company that provides packaging for many other food companies for different kinds of foods and beverages.) Further tests were ordered of Nestlé products: Nidina 1 for infants, Nidina 2 for babies 6 to 12 months, Latte Mio and Mio Cereali for children 1 to 3 years. The TetraPack cartons for these milks were produced at this company’s factory in The Netherlands, then transported to Spain for filling with milk at Nestlé’s factory in Asturias, Northern Spain. These filled cartons were then exported to Italy, France, Portugal and Greece as well as distributed in Spain.

September 2, 2005: In Italy, official results released confirming contamination were sent to Ministry of Health, but were not publicised. Nestlé was probably informed.

September 8, 2005: Italian Health Minister Storace alerted the EU Commission through the Rapid Alert System for Food and Feed (RASFF), informing them of ITX seepage in a packet made in Spain. Regulators in Italy were unhappy that there were still products left on the shelves and under a court application got an Italian judge to demand the Nestlé recall.

September 2005: In Spain, AESA, the Spanish Food Safety Authority, says Nestlé carried out a recall of milks from its factory in Northern Asturias region.

October 2005: Italy, it appears, sent an alert to the EU authorities.

October 27, 2005: The first withdrawal of products in Italy began in a supermarket in the province of Ascoli Piceno. It was only on October 28 that the Italian Ministry of Health called the associations involved to a meeting scheduled for November 4 (these included: food producers, packages producers, Istituto Superiore della Sanità). The Italian consumers associations are angry with the Minister because apparently he knew about the contamination since September 2, but he did not make public until November.

November 9, 2005: First seizure of 2 million litres of milk as “unfit for human use” by Italian authorities (the Forestry wardens under Food Safety in the Ministry of Agriculture, Minister Gianni Alemanno, belonging to the same party, The Alleanza Nazionale, as the Health Minister Storace). Products concerned were: 3 batches of liquid Nidina 1 and 2, 5 batches of liquid Latte Mio and Mio Cereali. The seizure was not publicised.

November 15, 2005: Nestlé starts recalling further quantities of the same products. This recall was also not publicised but Nestlé admitted in late November that it had started.

It was only at this point that the news appeared in Italian (and foreign) media.

November 23, 2005: A full-page announcement by Nestlé in main Italian newspapers says the company had taken its decision to “recall the products autonomously” as “a measure of exceptional (extreme) precaution towards consumers”.

Apparently, Peter Brabeck declared that there was an agreement between Nestlé, the Italian Minister Storace and the EU to let this batch of contaminated milk be sold, just to end the stocks, while Nestlé would have time to change the process of packaging in order to avoid this kind of contamination and to have better controls. And on November 23 the Minister Storace said that Brabeck’s declarations were false, calling him to withdraw his declarations and threatening him to take him to court if he would not withdraw. From the EU, Paola Testori Coggi at DG SANCO (Consumer Protection) also denied Peter Brabeck’s saying that there were no agreements between the EU and Nestlé.

November 23, 2005: Nestlé CEO Peter Brabeck tells reporters in Zürich: “It’s nothing. It’s a storm in a teacup and there is no risk to safety. Suddenly the agriculture minister puts Italy in an uproar. This has more to do with politics than anything else”. The press reports also that Brabeck said that there was an agreement with Minister Storace and the EU to withdraw and replace progressively the milk, with a plan for appropriate discarding (no details).

Nestlé puts out a press release stating that: “EFSA has determined that the chemical found should not cause a toxic threat in the levels detected. It has deemed the milk as posing “no immediate health risk”. “This press release is subsequently

withdrawn from the Nestlé website and replaced by a letter from the Italian Minister of Health dated November 24, 2005.

November 24, 2005: The European Food Safety Authority (EFSA) issues a press release stating: *“On the basis of the very limited data available today, the presence of ITX in food could be considered undesirable but it is not likely to present a health risk in the levels reported. The European Commission has requested that EFSA carry out a risk assessment on ITX. EFSA will provide preliminary advice in the next two weeks and expects to deliver its final opinion no later than March 2006”* “.

November 25, 2005: Italian Health Minister Storace denies any agreement to get rid of contaminated products and threatens Brabeck with a law suit for false information.

Letter from Peter Brabeck to Minister Storace apologising for *“a memory lapse”*.

Italian Health Minister Francesco Storace says he will press ahead with a lawsuit against Nestlé CEO Peter Brabeck: *“The CEO of a multinational “must not be allowed to sully Italian institutions with impunity”*.

28 November, 2005: Numico products also recalled: 100'000 litres of milks marketed under the **Nutricia** brand - Aptamil 2 Liquid, Aptamil Soya and Aptamil Babymil. Wyeth SMA Nutrition has not announced any recall.

Withdrawal in **France** of 240,000 litres of Nidal 1 and 2 which occupy the third place in the market for liquid baby milks (Nestlé says it was only 90,000 litres, see below). Withdrawal of small quantities in **Greece** and **La Réunion** (500 litres of Nidal 2; Nestlé has 50% market share there). Nestlé says that 2,150,000 litres were concerned, of which 90,000 were in France and the rest divided between Spain and Portugal.

30 November, 2005: An Italian consumer association, Altroconsumo, independently tested other 30 products packed in TetraPack cartons; 6 of them (yogurt, fruit juices) tested positive for ITX. The companies deny this, but some of the marketing chains (COOP, Auchan, etc) decide anyway to withdraw these products from their shelves.

Meeting of the European Union's Food and Feed Safety Panel says: *“On the basis of knowledge available today, the Standing Committee agreed that there is no need to take any measures at EU level such as withdrawal of the concerned products from the market”*.

1 December, 2005: EFSA issues a second press release: *“Contrary to statements being made by third parties, EFSA has not carried out a risk assessment on ITX to date. EFSA has not been able to determine the safety of ITX but rather has made a preliminary statement based on very limited data”*.

EFSA posts on its website the two letters written on December 1 to the CEO's of both Nestlé and Tetrapack: *“In its press release of November 23 2005, Nestlé refers to an evaluation carried out by EFSA... and EFSA maintains that this statement, which implies the endorsement of the safety of Nestlé's products currently on the market, does not reflect the nature of the scientific advice given to date by EFSA and is potentially misleading”*. Tetrapack is similarly chastised for its advertisements published in Italian newspapers on November 30.

The letters from the acting Executive Director of EFSA to the CEO's of both companies include the warning sentences: *“We would ask you to ensure that any further public statements reflect the statement that we have issued on: www.efsa.eu.int/press_room/press_statements/1226_en.html. I trust that you understand the importance of EFSA's request. Please note that EFSA will make public use of this communication”*.

Other milks (Parmalat, Granarolo, Newlat, all for the general population) are withdrawn because of the same problem everywhere in Italy.

IBFAN's QUESTIONS: It is now clear that the problem was initially caused by TetraPack, but why did Nestlé, the first company that had its product tested, not act transparently? After the withdrawal in Spain, why did Nestlé not recall the same milks in Italy, France and Portugal? And why did the Ministry of Health in Italy and the EU authorities not act immediately? Will the Italian Minister of Health continue to press ahead with a lawsuit against Peter Brabeck?

Compiled from Italian and European media sources: ANSA, La Repubblica, Il Salvagente,

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