



ASSOCIATION FOR CONSUMER  
vs.  
NESTLE INDIA Ltd.

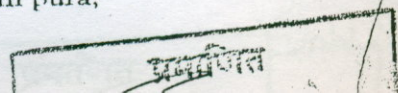
CC NO: 82/1

CW1: Dr. Arun Gupta S/o Late Sh. R.N.Gupta Age :55 yrs.  
R/o BP-33, Pitam Pura, Delhi. (Pre charge evidence)  
On SA.

(ACASH) Association for Consumers' Action for Safety and Health is a voluntarily organization which is working for the welfare of children, child nutrition, health and care. The association is having its registered office at Mumbai. Association is notified in the office Gazette of India on 27th Jun'1994 as a voluntarily organization U/s 21 of Infant Milk Substitutes, feeding bottles and infant foods (Regulation of production, supply and distribution) Act 1992. The copy of Gazette of India is Ex. CW1/A (Original seen and returned). Association for Consumers' Action for Safety and Health authorized Dr. Arun Gupta on 11.9.1994 on filing complaint in relation to the violation of IMS Act, copy of the Resolution of ACASH (attached) is Ex. CW1/B. The copy of resolution bears the signature of Arun Bal, President of Association at point X. I can identify his signature as I saw him signing and writing many times (Original seen and returned.)

On 19.10.1994 I purchased one cardboard container of infant food, manufactured and marketed by Nestle India Ltd. Under the brand name of Cerelac for Rs.42. The container had an embossement showing manufacturing date as May'1994 and batch number EC-JEJ. I also purchased a tin container of Lactogen bearing manufacturing date as March'94 and batch no EROAJ containing 500 gms of infant milk substitute which was manufactured and marketed by Nestle India Ltd. for Rs.65/-. I purchased both the containers from New Goldy Medcos, Pitam pura,

*[Handwritten signature]*





The original cash memo issued by the New Goldy Medicos is  
 Ex. CW1/C. (COURT OBSERVATION:- ORIGINAL  
 CONTAINERS OF CERELAC AND LACTOGEN, WHICH  
 WERE EXHIBITED EARLIER AS CW1/D AND CW1/E ON  
 9.1.1994 IN THE TESTIMONY OF COMPLAINANT AS CW1  
 DURING PRE SUMMONING EVIDENCE ARE FOUND  
 MISSING FROM THE RECORDS OF THE COURT AND  
 SAME COULD NOT BE FOUND DESIPTS EFFORTS AND  
 ENQUIRY)

I also purchased magazines "SARITA, II" of  
 September'1994, GRAHSHOBHA of October'1994, WOMAN'S  
 ERA 1 of July'1994, PARENTING of October'1994, MERI  
 SAKHIL of October, 1994 on 19.10.1994 itself. Then I brought both  
 the abovesaid containers and magazines and perused them carefully  
 in the light of IMS ACT 1992. I found several violations of  
 provisions of IMe Act and Rules. on the team container  
 of lactogene important notice was printed as "Breast  
 milk is best for you Baby" ) Instead of "mother's milk  
 is best for your baby". This notice was also not  
 printed in its Hindi equivalent in Dev Nagari script.  
 It did not carry a warning that infant milk substitute  
 as infant food is not the sole source of nourishment  
 of an infant. on the cardboard container of Cerelac,  
 under the important notice "Breast Milk is best for your  
 baby, from 4 month of age give baby Cerelac food  
 in addition to mother's milk" were printed, whereas it should  
 (addition)

*Gurram Jais*

[Stamp] Contd.



in important notice in Capital letters ("MOTHER'S MILK IS BEST FOR YOUR BABY"). The <sup>letters of</sup> Hindi version of important notice were smaller inside from the prescribed size of 5 cm. The important notice was not prominently displayed on the central panel of the container of Cerelac as per rule 7 of IMS Act. The container of Cerelac did not have the two mandatory warning clauses as given clauses in 6(i)(b)(c).

On perusal of above mention ~~magazines~~ <sup>magazines</sup> also

found violations of IMS Act and Rules in relation to advertisement of "Cerelac". It was the advertisement's - the Nestle India Ltd. Recommended the use of Cerelac, which is a Infant food, from "शरीर शक्ति" in Hindi and from 4<sup>th</sup> month's onwards, which is misleading and, <sup>constitute</sup> violations of IMS Act and Rules. The IMS Act recommended the use of Infant food after the age of 4 month's. The advertisements also violated

rule 7 of IMS Act. Copy of the advertisement in ~~magazine~~ <sup>magazine</sup> "Sarita" of Sep- ~~1994~~ <sup>1994</sup> II, 1994 is

EX. CW 1/D. (Original ~~magazine~~ <sup>magazine</sup> seen and return)

the copy of advertisement published in magazine ~~is~~ Grahshobha of Oct. 1994 is exhibited.

(Signature)

सिद्धि  
जॉय कर्ता



— 4 —

Ex. CwI/E. (original magazine seen and returned). The copy of advertisement published in magazine "Women's Era".

July - 1994 is Ex CwI/F (original magazine seen and returned) the copy of advertisement published in magazine "Parenting"

Oct - 1994 is Ex. CwI/G (original magazine seen and returned). The copy of advertisement published in magazine

"Meri Saheli" Oct. 1994 is Ex CwI/H (original magazine seen and returned). The advertisement's <sup>given in</sup> "Women's Era" and "Parenting" have the words "Breast Milk" in place of "Mother's milk" under the heading

importance notice. Nestle India Ltd. and it's official concerned have ~~deliberately~~ committed the violation of IMS Act and rules framed under it to promote their products at the cost of health and life's of infants of India. My complaint is true and correct and it bears my signature at point

"4"

~~xxxx~~ by ~~at~~ Sonia Kulkarni. Proxy of Mr. Rajesh Batra.

This complaint was filed under the instructions of ACASH. I had filed the present compl. before the court of law as authorised representative on behalf of ACASH. I had perused and gone through the

*(Signature)*

Cast





complt and also the document <sup>and contents</sup> ~~was~~ annexed along with before the same was filed before the Court. A The Compt. was filed on behalf of ACASH which is a Registered Voluntary Association and duly autho- rised by Govt. of India in ~~the~~ <sup>the</sup> Gazette. The ~~document~~ <sup>organisation</sup> ~~was~~ <sup>is</sup> that ACASH is a voluntary organisation <sup>no regd. No. Bom- 393/86 GBBSD but</sup> ~~is~~ <sup>under which Act</sup> I am not sure <sup>it is regd. N.A.S. on Statute.</sup> ~~if~~ I may file certificate of registration which is lying at Bombay <sup>(Mumbai)</sup> office. The resolution and authorisation authorized me for filing the present complaint contains the registration number and except that no other document of registration or incorporation of the Voluntary organisation has been filed till date. The association was registered in <sup>the year</sup> 1986. ~~at~~ ~~the~~ ~~fact~~

Further cross deferred as the request of Ld Counsel as main ct. is not available and I have to get evidence for 2<sup>nd</sup> half.

Rd Ae

*[Handwritten signature]*

~~M. J. Rohini  
13/12/86~~

