Thank you for answering Danwatch’s survey regarding conditions analogous to slavery in the Brazilian coffee sector.

Nestlé’s answers have led to some follow-up questions.

Answers/non answers will be quoted in the articles published by Danwatch. Please return your answers to the follow-up questions no later than Friday the 30th of October 2015.

Feel free to contact us if you have questions or comments of any kind.

**Follow-up questions regarding supply chain:**

1.

The plantation owner Eduardo Barbosa de Mello was blacklisted by the Brazilian Labor Ministry in 2014, because inspectors found conditions at his coffee plantation, which violated the Brazilian penal code, article 149 regarding conditions analogous to slavery. Danwatch’s research shows that Eduardo Barbosa de Mello is member of the coop Cooperativa dos Cafeicultores da Zona de Três Pontas (Cocatrel).

Nestlé has confirmed that Nestlé has bought coffee from Cooperativa Regional de Cafeicultores em Guaxupé Ltda (Cooxupé), Tristão Companhia de Comércio Exterio (Tristão), Volcafe and Louis Dreyfus.

Danwatch’s research shows that these coffee exporters buy coffee from Cocatrel.

Tristão confirms that they buy coffee from Cocatrel, but has contacted Cocatrel and can guarantee, that coffee from Eduardo Barbosa de Mello has not been sold to Tristão. On the other hand Cooxupé confirms that they have bought coffee from Cocatrel and that they do not buy from individual members of Cocatrel, and that they have no mechanism to access who the individual members are, even though Tristão has been able to guarantee that they have not bought coffee from Eduardo Barbosa de Mello through Cocatrel.

In the Danwatch survey, Nestlé has answered this question like this:

Can Nestlé guarantee that coffee from blacklisted plantations like Eduardo Barbosa de Mello’s, where inspectors have found conditions, which violates the Brazilian penal code, article 149 regarding conditions analogous to slavery, has not ended up in coffee sold by Nestlé or any of it’s coffee labels? (please check off one) X Yes No.

**Follow-up question:**

How can Nestlé guarantee that coffee from Eduardo Barbosa de Mello’s blacklisted plantation has not ended up in coffee sold by Nestlé or any of its coffee labels, when Nestlé buys coffee from Cooxupé, and Cooxupé buys coffee from Cocatrel, and Cooxupé does not know which of Cocatrel’s individual coffee plantations they have bought coffee from?

Comments:

Nestlé has zero tolerance for slavery. It is illegal and against everything we stand for. We are thus very concerned by serious allegations regarding potential instances of forced labour and poor labour conditions in some of Brazil’s coffee plantations.

We are strongly committed to ensuring that our suppliers comply with national laws and corporate principles. In addition, we require all our sourcing partners to comply with our non-negotiable Supplier Code and Nestlé Business Principles, by which we expect our suppliers to respect all human rights throughout their business activities. We also encourage our suppliers to report any suspected violations of the Supplier Code or Nestlé Business Principles to the Nestlé contact person or report them confidentially using our Compliance Reporting System.

Moreover, our suppliers regularly consult the government blacklist and remove any producers from its supply chain that stand on this list. They also carry out audits to monitor compliance with national legislation and their own supplier code of conduct. These checks on our supply chain help us assure compliance. Nevertheless, should we find evidence of human and labour rights violations in the farms we or our suppliers purchase coffee from, we will report them to the appropriate authorities immediately and terminate our contracts with those suppliers.

On the basis of this survey, we acknowledge that there remains more to do to address labour issues in Brazil’s coffee supply chain and are grateful to Danwatch for drawing these matters to our attention. As a player in the coffee supply chain, we recognise our role in addressing them. We are determined to tackle this complex problem in close collaboration with our suppliers, whom we have contacted in connection with these questionnaires.

Also Volcafe has not been able to guarantee that coffee from Eduardo Barbosa de Mello’s blacklisted plantation has not ended up in coffee sold by Volcafe.

So how can Nestlé guarantee that coffee from Eduardo Barbosa de Mello’s blacklisted plantation has not ended up in coffee sold by Nestlé or any of its coffee labels, when Nestlé buys coffee from Volcafé, and Volcafé buys coffee from Cocatrel, and Volcafé cannot guarantee that coffee from Eduardo Barbosa de Mello’s blacklisted plantation has not ended up in coffee sold by Volcafe?

Comments:

We have received written confirmation from Volcafe that the green coffee it supplied to Nestlé did not contain coffee coming from Eduardo Barbosa de Mello’s plantation in 2014.

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Louis Dreyfus has not answered Danwatch’s questions about their supply chain.

How can Nestlé guarantee that coffee from Eduardo Barbosa de Mello’s blacklisted plantation has not ended up in coffee sold by Nestlé or any of its coffee labels, when Nestlé buys coffee from Louis Dreyfus, and if Louis Dreyfus buys coffee from Cocatrel?

Comments:

Please see above.

Moreover, we respect Louis Dreyfus Commodities’ policy not to make public reference to individual suppliers or specific contracts. They, like our all our suppliers, follow their own Code of Conduct in addition to complying with Nestlé’s Supplier Code and Nestlé Business Principles.

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What is Nestlé’s comments to Danwatch’s findings showing there is a risk that coffee from Eduardo Barbosa de Mello’s blacklisted plantation could have ended up in coffee sold by Nestlé?

Comments:

Nestlé has not received any evidence that coffee from these farms has entered our supply chain. Our suppliers regularly monitor the findings of the inspections carried out by the Brazilian Ministry of Labor, consult the government blacklist and remove any producers from its supply chain that stand on this list.

A very high percentage (around 86%) of our Brazilian Arabica coffee is sourced through verification schemes/ certification labels / our own sustainability programmes. These initiatives’ emphasis on traceability and the independent audits conducted help ensure that plantations suspected of human rights violations are not part of our supply chain.

Moreover, we are urgently working with relevant suppliers and verification partners to assess the claims being made. Most of our suppliers have confirmed that coffee from blacklisted farms has not entered our supply chain. We have also received assurances of due diligence, with confirmations to be received over the coming days.

On the basis of this survey, we acknowledge that there remains more to do to address labour issues in Brazil’s coffee supply chain. We are determined to tackle this complex problem in close collaboration with our suppliers, with whom we are closely working to ensure compliance with national laws and our Supplier Code as well as to improve our traceability operations.

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2.

Nestlé is a supplier to McDonald’s.

To Danwatchs question about Nestles supply of coffee to McDonalds, Nestle answered:

Can Nestlé guarantee that coffee from plantations where inspectors from the Brazilian Labor Ministry have found conditions, which violates the Brazilian penal code, article 149 regarding conditions analogous to slavery, has not ended up in coffee sold by Nestlé to McDonald’s? (Please check off one) X Yes No.

Comments:

We have not found evidence that coffee coming from these particular plantations has entered our supply chain. Coffee sourced from Brazil is either Rainforest Alliance-certified/4C-verified/or responsibly sourced through our sustainability programmes.

But how can Nestlé guarantee that coffee from Eduardo Barbosa de Mello’s blacklisted plantation has not ended up in coffee sold by Nestlé to McDonald’s when several of Nestlé’s suppliers cannot guarantee that they have not sold coffee from Eduardo Barbosa de Mello’s blacklisted plantation?

Comments:

The coffee Nestlé supplies to McDonalds comes from different origins. The Brazilian Arabica coffee that goes into these specific blends are either Rainforest Alliance Certified or 4C Verified. These initiatives have in place traceability mechanisms and conduct independent audit processes to make sure that unacceptable practices do not take place in our supply chain.

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3.

In 2015, the Brazilian Labor Ministry’s inspectors freed workers from two plantations, Fazenda Lagoa and Fazenda da Pedra – both located in Carmo de Minas, Minas Gerais. On both plantations the inspectors found conditions, which violated the Brazilian penal code, article 149 regarding conditions analogous to slavery.

Nestle confirms that Carmo Coffees has purchased coffee from Fazenda Lagoa and Fazenda da Pedra before 2015. This means that coffee produced on plantations where the Labour Ministry has later on revealed that the working conditions are analogous to slavery has ended up in coffee sold by Nestlé.

What are Nestlé’s comments to these findings?

We did not purchase coffee from those farms in 2015 and hence we did not use coffee from farms where the Labour Ministry identified issues. Before 2015, our own assessments did not reveal any instances of non-compliance in regards to the current allegations.

Nestlé writes:

“In addition, and as part of their routine yearly visits to supplying farms, our agronomists visited the plantation of Fazenda da Lagoa in August 2015 and Fazenda da Pedra in August 2014. These visits did not reveal any misconduct.”

How could Nestlé’s agronomists avoid noticing the problems at Facenda da Pedra and Fazenda da Lagoa found by the Labour Ministry such as workers without contracts, that the plantation owner was withholding the workers official working documents, that the workers was not provided with adequate personal protective equipment, that the rooms where the workers were staying did not have doors, that the workers did not have access to clean drinking water, and that they did not have access to refrigerators where they could store their food and meat and a number of other breaches of labor rights stated in the official inspection reports from the Labour Ministry?

Comments:

Our agronomists visit each farm from where we source coffee at least once a year, performing assessments on different social and environmental criteria. We are very strict with the compliance of specific criteria, for instant good working conditions and health and safety, amongst others, which are looked at during visits that can occur at any time of the year.  Both during these internal inspections and external audits, workers are interviewed and all documentation is checked.  If these audits happen to take place outside of the harvest season, when labour demands are low, temporary workers are not present at the farms.

Nestlé's agronomists last visited the Fazenda da Pedra farm in August 2014 and the Fazenda da Lagoa farm in August 2015.  None of these assessments showed any evidence of violations of the Brazilian labour code. In both instances, since the harvest season was already over, temporary workers were not present and houses were empty. Moreover, our August 2015 visit to the Fazenda da Lagoa farm did not reveal any evidence of misconduct as the farmer is very likely to have already taken corrective action to address the issues brought to light by the local authorities in their audit earlier in the year.

While Nestlé’s agronomists do conduct regular assessments of the farms from where source our coffee, we also rely on and work in partnership with local governments. We welcome their work to enforce labour regulations.

Are the inspections Nestlé conducts at coffee plantations in Nestlé’s supply chain efficient enough to guarantee that coffee produced by workers in conditions analogous to slavery does not end up in coffee sold by Nestlé? (Please check off one) X Yes □ No.

Comments:

As stated above, our agronomists visit each farm from where we source coffee at least once a year, performing assessments on different social and environmental criteria. We expect compliance with national laws and our code and are interested in helping our suppliers to continuously improve their practices. As such, when issues of non-compliance with our Responsible Sourcing Guideline are identified, we work with our suppliers on an agreed course of action and corrective measures.

Our suppliers follow similar procedures to ensure compliance with their codes and to make sure that labour standards are held. We recognise our role in addressing social and labour issues in our supply chain and thus work closely with our suppliers to tackle these complex problems.

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4.

In 2013 the coffee plantation owner Neuza Cirilo Perão was blacklisted by the Brazilian Labor Ministry, because inspectors had found conditions at her coffee plantation, which violated the Brazilian penal code, article 149 regarding conditions analogous to slavery. Danwatch has access to documents from a lawsuit which document that Neuza Cirilo Perão has sold coffee to Outspan, and Nestlé has confirmed that Outspan has sold coffee to Nestlé.

Outspan confirms that Outspan has bought coffee from Neuza Cirilo Perão until 2012 which means that Outspan has continued buying coffee from Neuza Cirilo Perão after the inspectors found conditions analogous to slavery at Neuza Cirilo Perão’s plantation in 2009.

This means that coffee produced under conditions analogous to slavery can have ended up in coffee bought and sold by Nestlé.

What are Nestlé’s comments to these findings?

We received confirmation from the 4C Association that this particular coffee grower is not part of any 4C unit in Brazil. Therefore, coffee from this plantation was not part of the 4C-certified Brazilian Arabica coffee we source from Outspan.

Moreover, Olam has declared it regularly consults the Government’s blacklist, which led to the removal of Neuza Cirilo Perão from the company’s supply chain in 2013 after this farmer was blacklisted by the Brazilian Labour Ministry.

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Considering the case of Neuza Cirilo Perão and Outspan: Are the inspections Nestlé conducts at coffee plantations in Nestlé’s supply chain efficient enough to guarantee that coffee produced by workers in conditions analogous to slavery does not end up in coffee sold by Nestlé? (Please check off one) X Yes □ No.

Comments:

Nestlé does not have any business relationship with this farmer. Nevertheless, we believe the assessments we perform on our farms actively help our suppliers to continuously improve their practices. Issues of non-compliance with our Responsible Sourcing Guideline are address through action plans and corrective measures. Please see answers to similar questions above.

With these actions, we recognise our role in addressing social and labour issues in our supply chain and the importance of working closely with our suppliers to tackle these complex problems.

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5. In 2013 Paulo Roberto Bastos Viana was blacklisted by the Brazilian Labor Ministry, because inspectors had found conditions at his coffee plantation, which violated the Brazilian penal code, article 149 regarding conditions analogous to slavery. Danwatch has access to lawsuit files showing that Paulo Roberto Bastos Viana delivered coffee to Tristão about a month after the inspectors freed the workers from his plantation in 2010, and Nestlé has confirmed that Nestlé bought coffee from Tristão in 2010.

This means that coffee produced under conditions analogous to slavery can have ended up in coffee bought and sold by Nestlé.

What are Nestlé’s comments to these findings?

We are urgently working with relevant suppliers and verification partners to assess the claims being made. Most of our suppliers have confirmed that coffee from blacklisted farms has not entered out supply chain. We have also received assurances of due diligence, with confirmations to be received over the coming days. We are working closely with our suppliers to address these allegations as well as to proactively tackle these complex social and labour problems in our value chain.

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Considering the case of Paulo Roberto Bastos Viana and Tristão: Are the inspections Nestlé conducts at coffee plantations in Nestlé’s supply chain efficient enough to guarantee that coffee produced by workers in conditions analogous to slavery does not end up in coffee sold by Nestlé? (Please check off one) x Yes □ No.

Comments:

Nestlé does not have any business relationship with this farmer. Nevertheless, we believe the assessments we perform on our farms actively help our suppliers to continuously improve their practices. Issues of non-compliance with our Responsible Sourcing Guideline are address through action plans and corrective measures. Please see answers to similar questions above.

With these actions, we recognise our role in addressing social and labour issues in our supply chain and the importance of working closely with our suppliers to tackle these complex problems.

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6.

In June 2013 the plantation owner Joaquim Reis da Silva was blacklisted by the Brazilian Labor Ministry, because inspectors found conditions at his coffee plantation, which violated the Brazilian penal code, article 149 regarding conditions analogous to slavery. Danwatch’s research shows that Joaquim Reis da Silva has been a member of Cooxupé until 2010 when inspectors found conditions analogous to slavery at his coffee plantation. In 2010, when the workers were freed from Joaquim Reis da Silva’s coffee plantation, the workers had no contracts, and were not provided with adequate protective gear. The workers were living under very bad conditions: There were no beds at the plantation, and the workers had to sleep at coffee bags on the floor.

Even though Cooxupé stopped buying coffee from Joaquim Reis da Silva after the inspectors in 2010 freed the workers from these very bad conditions at Joaquim Reis da Silva’s coffee plantation, he had been a member of Cooxupé until then and had sold coffee through Cooxupé until then, and Cooxupé has sold coffee to Nestlé in this period also, so how can Nestlé guarantee that coffee produced under conditions analogous to slavery have not ended up in coffee bought and sold by Nestlé?

Comments:

Cooxupe can confirm that they stopped purchasing coffee from Joaquim Reis da Silva in 2010. This farmer was blacklisted in June 2013.

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Considering the case of Joaquim Reis da Silva and Cooxupé: Are the inspections Nestlé conducts at coffee plantations in Nestlé’s supply chain efficient enough to guarantee that coffee produced by workers in conditions analogous to slavery does not end up in coffee sold by Nestlé? (Please check off one) xYes □ No.

Comments:

Nestlé does not have any business relationship with this farmer. Nevertheless, we believe the assessments we perform on our farms actively help our suppliers to continuously improve their practices. Issues of non-compliance with our Responsible Sourcing Guideline are address through action plans and corrective measures. Please see answers to similar questions above.

With these actions, we recognise our role in addressing social and labour issues in our supply chain and the importance of working closely with our suppliers to tackle these complex problems.

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7. What will Nestlé do now in order to minimize the risk that coffee produced under conditions analogous to slavery ends up in coffee sold by Nestlé in the future?

Comments:

We are committed to responsible sourcing, and although it is clear that many challenges remain, continuous improvement requires all parties to work together to address social issues.

Our responsible sourcing efforts start with working towards ensuring full compliance with our Responsible Sourcing Guideline (RSG) criteria and emphasising traceability and transparency throughout our supply chain. We are gradually deploying a Supply Chain Management Programme operated by Achilles Ltd across our global supply base. The roll-out of this programme will allows us to develop a comprehensive picture of our supply chains right down to the farm level and thus gain a better understanding of our supplies.

We are determined to ensure that RSG requirements are met throughout our coffee supply chain and thus subject our suppliers to compliance audits by independent third parties. These independent verifications are important to minimise the risk that coffee produced under unacceptable labour conditions enters our value chains. We also engage with suppliers to make continuous improvements and ensure that processes are upgraded overtime. We are thus making continuous efforts to constantly increase the amount of coffee that is RSG compliant.

We have been steadily increasing the volume of Responsibly Sourced green coffee in our Supply Chains, all of which meets 4C verification criteria at the very least. As stated above, in 2014 some 86% of the total Brazilian Arabica coffee supplied to our group was verified, certified or part of our sustainability programmes. We are working towards continuously increasing the percentage of coffee that meets these criteria. We are also committed to having a positive influence in our value chain through rural development and water stewardship activities in Arabica growing regions in Brazil that create shared value for society and our company.

8. Nestlé writes that Nestlé is evaluating becoming a member of the National Pact for Eradication of Slave Labour. Has Nestlé decided becoming a member? (Please check off one) X Yes □ No.

Tackling issues like human rights abuses, especially forced labour, is a vastly complex issue that requires concerted action. We welcome and support Brazil’s multi-stakeholder initiative “National Pact for Eradication of Slave Labour” and are currently finalising the evaluation of our involvement to become a signatory.

Kind regards,

Julie Hjerl Hansen

Journalist, Danwatch