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Wogaman, J. Philip oral history interview

Don Nicoll

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Biographical Note

John Philip Wogaman was born March 18, 1932 in Toledo, Ohio to Donald Ford Wogaman and Ella Louise Kilbury Wogaman. He attended community college in East Arizona, then went to the College of the Pacific. He received his doctorate degree from Boston University. He was on the faculty of the Union Seminary in Matanzas, Cuba. After the seminary, he went on to teach at the University of the Pacific and the Wesley Theological Seminary in Washington, D.C. He was chosen to be the chairperson for the Methodist Task Force and the treasurer of the Nestle Infant Formula Audit Commission. At the time of this interview he was at the Foundry United Methodist Church.

Scope and Content Note

Interview includes discussions of: family and educational background; Nestle Infant Formula Audit Commission (NIFAC) and World Health Organization Code; Nestle boycott; Methodist Task Force and the Muskie Commission; Muskie arguments and temper stories; disagreements with Muskie; and Nestle infant formula abuses in Thailand and around the world.
Don Nicoll: It is the 2nd day of May, 2002. We are in the Foundry United Methodist Church in Washington, D.C.; Don Nicoll is interviewing Reverend Philip Wogaman, the senior minister here. Reverend Wogaman, would you please give us your full name and spell it, and give us the date, place of birth, and the names of your parents?

Rev. Wogaman: Yes, I always go by Philip, but my full name is John Philip, one 'L' in Philip, and my last name is Wogaman, and that's spelled W-O-G-A-M-A-N. I was born in Toledo, Ohio on March 18, 1932. My parents were Donald Ford Wogaman, and Ella Louise Kilbury Wogaman, Kilbury spelled K-I-L-B-U-R-Y.

DN: Were they long time residents of the Toledo area?

PW: No, no, my father was a Methodist pastor and in those years Methodist pastors served fairly short periods of years in the same place. And he was pastor in Waterville, Ohio, near Toledo, at that time. We then moved to Winchester, Ohio for six years, and then Wheelersburg, Ohio for a year and a half. He had health problems and so we had to move to Arizona for the hot, dry desert climate, and we lived in three different Arizona communities as I finished growing up and then went away to college.

DN: So you'd had exposure to very different parts of the United States.

PW: Oh yes, extremely different. From southern Ohio, on the Ohio River, to far southwestern Arizona, a little place called Somerton, Arizona near Yuma, Arizona, which is about as hot and dry as you can get in this country. Very close to the Mexican border, maybe three or four miles.

DN: Did you attend public schools?

PW: Yes, all the way. Up to college, I attended elementary schools and high school in Arizona, and then one year of a community college in eastern Arizona, and then I went to College of the Pacific, which is now University of the Pacific, which is a United Methodist College in Stockton, California, and then for graduate study to Boston University where I
received the ministerial degree, and then continued for a Ph.D. degree in the field of ethics.

**DN:** And did you go to pastoral work or to teaching at that time?

**PW:** I intended to go to pastoral work, but while I was completing my Ph.D. I was asked if I would serve on the faculty of the Union Seminary in Matanzas, Cuba. That was in 1960, and my wife and I studied Spanish in Costa Rica for half a year, but 1960 was not the right time to get to Cuba so we never made it to Cuba. And by that time I was hooked on the idea of teaching and was then invited to go back to my alma mater, University of the Pacific, to teach and I taught there for five years in Bible and ethics. And then in 1966 I came to Wesley Theological Seminary here in Washington, D.C. and I taught ethics at Wesley Seminary for twenty-six years, and during eleven of those years I was also dean of the seminary.

**DN:** And during this time, I take it from a comment you made before we started this conversation, you had an active interest in politics.

**PW:** Yes, I really have always been interested in that, and political ethics, church-state relations, Christianity and politics and so on, has been one of my major fields of interest and of teaching. But in 1968, just a couple of years after coming to Washington, I was asked to be one of the leaders of the religious part of the Humphrey-Muskie campaign of 1968, which unfortunately, we didn't quite make it.

**DN:** Was that your first exposure to something with which Senator Muskie was associated?

**PW:** Yes, it was. I mentioned to you earlier that while I was a graduate student in Boston, I took note of the fact that he had just been elected governor of Maine as a Democrat, and I remember seeing his young face appearing on the front page of the *Boston Globe*, and thinking, well, this is a revolution for the state of Maine. I guess it was at that time.

**DN:** Yes, it was. And how did you get involved in the Nestle infant formula audit commission?

**PW:** Well, that's interesting. In 1980, at the general conference of the Methodist Church, United Methodist Church, a resolution was proposed for the United Methodist Church as a denomination to join in the Nestle boycott, which already was under way at that time, and it had a lot of support. But instead of joining the boycott, the general conference decided to set up a commission, a task force, charged with interacting with Nestle and to seek changes in Nestle's policies through negotiation. I was not a delegate to the conference, I wasn't at the conference but, at the time I was dean at Wesley Seminary, and I was invited to be the chair of this task force. So I became chair of the task force, we had about I guess, nine or ten members of the group, including leaders of the Methodist Church of one kind or another, and people with different points of view, and we were rather successful up to a point in working with Nestle. We were among those who persuaded Nestle to sign on to the World Health Code that was adopted in 1981. And in fact I was asked by the task force, Methodist task force, to go to Geneva when this was being debated so I was on the scene at Geneva when the World Health Code was adopted.
After the code was adopted in '81, we proceeded to negotiate with Nestle, and to our surprise Nestle, which had a new management then, Helmut Maucher as the new CEO, decided that they would, they could work with that code, and to our surprise they agreed to observe it. I guess that actually occurred toward the end of, or the beginning of '82. And then they informed us that they would like to first issue a set of guidelines for their subsidiaries around the world, guiding their marketing policies in accordance with the WHO code, and that they would like to set up a commission to monitor their performance. Well, meanwhile the people who were engaged in the boycott were very doubtful about all that, very skeptical, and continued to be very hostile to them, and that the people who were engaged in the boycott were in fact fairly hostile to the Methodist task force as well. We were really trying in good faith to work this thing through, but we, the fact that we had not joined the boycott directly was offensive to some of those leading the boycott.

I was then asked, sometime in the spring of '82, if I would be willing to serve on such a task force, and this probably isn't generally known, but I was asked to suggest people who might be considered as chair of that commission. And the, Raphael [Ray] Pagan, whose name you've already got in your, in some of your interviews, was managing things for Nestle here in the United States, and he raised three or four possible names of whom Senator Muskie was one, and I enthusiastically supported Senator Muskie. I'm sure there were others who were doing that at the same time. But then when Senator Muskie was considering doing it, he and I had a conversation about it and we were, discovered we were very much in agreement with each other, that it had to be independent even though Nestle would fund it, would provide support. We had to assure its independence in various concrete ways, that we should be able to do studies on our own, and we should be able to publish what we did independently so that the public would know that when we issued a statement about Nestle it would be authentic, and would represent our best judgment. Then various other people were invited to serve on the commission. I became concerned when I discovered that one or two of the people invited to join the commission had been among those critical of the World Health Code.

DN: Critical from which side?

PW: Opposed to it.

DN: Opposed to it.

PW: Opposed to it, and I wondered then whether that meant whether this would be a kind of a charade, and I kind of put on a scene over that and managed to get another person on the commission whose integrity I recognized and knew. Well, in time I discovered that the person I was questioning really had great integrity and was a person of eminence in health care issues and certainly had independence of mind and was willing to support the WHO code so that was, turned out to be a non issue, but I didn't know this person at all at first. So then we got under way, and you remind me that it was just twenty years ago this week that we had our first meetings. We then had a press conference and we were peppered with questions. And then we set off to Vevey, Switzerland, to the corporate headquarters, to meet with the top leadership, President Maucher and Vice President Angst, who was in many ways the operative head of the
operation. And they told us there in Vevey that they wanted us to find abuses, and as Mr.
Maucher, or Dr. Angst put it, “If you don't find some violations of the WHO code in our
operations around the world, we're not going to be able to gain control of this.” And he was very
serious about it, and it was set up in such a way that we could independently study what Nestle
was doing around the world. So that's how we got started.

DN: And you were selected as treasurer.

PW: I guess I was, wasn't I, yeah. Well, that was kind of for oversight purposes. The legwork
was all done by Senator Muskie's law offices, they provided the staffing. But, yeah, I'd forgotten
that. Doesn't mean I knew anything about money.

DN: I take it from what you said that your impression of the Nestle senior executives was a
genuine commitment to solving the problem.

PW: I think so. I thought so then and I think so now. That doesn't mean that they didn't waffle
at certain points, and we had various crises along the way, some of which were rather exciting.
But I think on the whole they recognized first, that they had a serious public relations problem
that would in time seriously erode the standing of their company, and secondly I think they
genuinely wanted to be responsible in their marketing practices. They were in a competitive
environment and one of the things we discovered is that you can't reform a whole industry just
one company at a time. The rules of the game need to be pretty much the same for all of the
major competitors, or the bad actors will secure a competitive advantage against the responsible
companies. But on the whole, I think their commitment was genuine.

DN: Did the code, from your point of view, provide that single rule for all companies?

PW: Yes, but of course only Nestle had sanctions in the form of a boycott. The World Health
Organization was in no position to sanction any company that didn't follow the code, there were
no enforcement provisions. They were, the code recommended enforcement provisions for
national laws, but not very many countries actually put this into law. Some did. So that there
was no worldwide regime, so to say, no worldwide framework of regulation that was
enforceable. The Methodist task force, which I continued to serve on, it went out of existence in
1984, and I continued to serve both as chair of that and as a member of the Muskie Commission,
the Methodist task force was responsible not only to interact with Nestle, but the three major
American corporations as well, and we were putting a lot of pressure on the American
companies with the threat of a boycott that, you know, we could recommend that the Methodist
Church boycott these other companies, too. The Nestle boycott was pretty much aimed at
Nestle, they didn't really take after the other companies.

DN: Why did that happen, why focus on Nestle and not on the other companies?

PW: Even now I'm not entirely sure. I suppose it may have been a little bit of the same kind of
theory that the labor movement has when it goes after one of the big three auto makers for a
contract, and then uses that as leverage on the others. But I'm not sure in this instance, where
we're talking about the boycott, that leverage existed. Maybe as a threat. We get Nestle to
follow the rule, and then we turn our attention to the America Home Products or one of the other American companies and put the pressure on them. But they didn't really do that, at least not much.

DN: As you started out after your first meeting and your session in Switzerland, what was the major challenge that the commission faced? What was the immediate task that you saw?

PW: Well, after, you know, first of all getting organized and deciding what we were going to do and how we were going to go about it, establishing our bylaws, all of which was very institutional but was kind of important to determine how we were going to function. And then, you might say we had two tasks, we were operating on two tracks at the same time. On the one hand, we were interacting with the company critics, and there was sort of a rear guard problem there of protecting our credibility with them and with others. But on the other hand we had to get about the business of monitoring Nestle. And what we did on that was, each member of the commission was given a line of credit, if my memory serves me, of five thousand dollars. At that time that was a fairly significant amount of money. And we could go anywhere in the world where Nestle operated, without telling Nestle in advance, without telling the commission in advance, without telling anybody in advance, we could just simply go there and investigate. And we set that up, and of course Nestle was funding us, but without any say whatsoever on where we might appear, and so we spread out around the world. My first big trip was to Africa in the winter of '83 I guess it was. I went to several countries. I didn't announce to anybody in advance, the Muskie law office didn't know where I was going, the seminary did but they didn't know how to get in touch with me. I worked through Methodist missionaries in several African countries to line things up, swearing them to secrecy, and I would arrive in a country like Nigeria, and using my contacts would get into hospitals and interview doctors and find out what was going on, get into the markets and see what patterns of marketing were going on. And then after being there several days, then I would go to the corporate offices and interview the people there, having already had a chance to see what was really going on. Well, the company, Nestle, had passed the word to all of their subsidiaries around the world that when a member of the commission showed up and identified himself or herself with a passport, they had to just open the doors, provide any kind of access for interviews or any of their books or anything else, and they really followed through with that. But with that procedure of just appearing and then, without any advance notice, you know, suddenly here the CEO of a subsidiary in one of these other countries, oh, here's a member of that commission, they're here now.

But we set all that up, that was kind of our immediate task, and then we began issuing the reports, a whole series of reports over, I guess we did them roughly on a quarterly basis, something like that, indicating any violations that we had encountered, and we did encounter some, that is violations of the WHO code in the marketing behavior of Nestle. And we had spirited discussions in our commission over the meaning of what we were finding, and then we would interact with the company about that. Usually we, well, I think it was our guideline that they would have an opportunity to look at our report before it was published, so they could give their response. And that proceeded I think with integrity.
Going back to the beginning of your work and this open ended authorization for individual members to travel, first, did you ever get signs from Nestle that they regretted or would like to modify the unannounced arrival practice?

No, no, I don't think so. This thing stretched on for some years, and I was pretty sure myself when we entered into this that we were looking at two or three or four years. I think Senator Muskie thought it would be about one year. In fact, it probably turned out to be about eight years.

Or nine years.

Yeah, if you count the final winding down process, it was a long, long run. I think toward the end there was a little bit more controversy with Nestle. For example, they acquired a U.S. subsidiary and wanted to do infant formula marketing, and wanted to use public marketing, that is through television ads and things of that sort, which are contrary to the WHO code, and we got in a squabble over that. Previously, we'd had a bit of a debate with them over marketing in Europe, and at that point they indicated that they had intended fair obedience to the, or conformity to the WHO code to apply in Third World countries. Well, of course Third World countries was where the major issue was, but that isn't what the WHO code said. And I had some interesting personal interaction with Maucher and Angst over that one.

In the end, did they accept the commission's point of view?

Well, we had a big debate in the commission over that, and finally we all agreed that they could keep up with their competitors in Europe, but they would not be an advertising leader. They would use forms of advertising contrary to the WHO code that their competitors were not already doing. Then when it came to the United States, they were going to lead out, and so we had a go-around here in this country over that. There were other issues along the way, but when we actually observed violations of the WHO code in various countries, they followed through pretty well.

The other thing that interests me about the launching of independent investigations is how a commission so young, with members who didn't really know each other very well, could come so quickly to an agreement on that kind of open ended practice.

Well, yeah, you know, I think the, the commission was fairly high level people, I mean with people of expertise in different areas, and these are kind of obvious things. We knew we had to do a serious job of studying the company's practices, and this was a good way to do it. I don't remember precisely how we hit on that, but that appeared early on.

And I take it there was a high level of mutual confidence among the members.

Yes, yes. Along the way we occasionally had fairly serious disagreements in the committee, commission. I had a few with Senator Muskie himself.

What sorts of disagreements?
PW: Oh, you know, he's a wonderful man. We, I came to love him almost like a big brother. But one of the things that the general public doesn't know so much about Senator Muskie, he did have a temper. He had the capacity to blow up on occasion, and sometimes I think it was contrived for effect, sometimes it probably was very real. But whenever there was any slight question of his own integrity, that was a trigger. Well, I didn't question his integrity personally, but (unintelligible word). I guess I was one of the members of the commission who had closer contact with the critics of the company; partly as a result of the work I had been doing the Methodist task force. And when the integrity of the people in the boycott was being questioned, I was one of those on the commission anxious to make sure we didn't cast judgment there. And I can remember a couple of occasions when the issue in the commission was the degree to which we would take seriously what the critics were saying and respond in good faith to them. I remember one time, I still laugh about it, when we were seated, we met in the law office at this big round table, like the knights of the round table, in a large conference room, ten or so of us gathered around this big table. And I ventured some suggestion, I've forgotten now exactly what the issue was, but Senator Muskie responded with some heat to that. And I held my ground, and then he yelled at me. And I raised my voice, and this is really not characteristic of me at all, I said, well I can yell, too, and went right back at him. And he slammed his hand on the table, and I slammed my hand on the table, and then we all laughed.

And then there was another occasion that was really poignant, and I think it reveals something interesting about him. This is very late in the process, and the critics, I believe this was after the boycott had all been settled and then the critics were into another round, and they met with us in this same board room at the law offices. And one of the critics was being rather personal with Senator Muskie, and I think Muskie had framed an issue in legal language and then sort of apologized for the legalese, and this man said, well, maybe it's legal sleaze. And that was questioning Muskie's integrity, and he reacted to that vehemently. And I think, I don't object to that, I think that other person was way out of line. But then when they left, there was a question of how we should deal with some of the issues they had raised. And my recollection is that Senator Muskie just was going to give short shrift to all of it, and I felt that some of the issues they had raised were worth considering, and we, he and I got into an argument over that. And he kind of lost his cool, and abruptly he stood up and said, “Well, I have better things to do.” And he strode out of the room, leaving all the rest of us aghast, seated. And I lamely tried to explain to my colleagues on this commission why I had said what I had said, and I don't think they basically disagreed with that.

But after a little while, V.J. Melnick, Dr. Melnick who was on the faculty at University of the District of Columbia, a woman from India originally, she stood up quietly and left, and she was, I think had an especially good rapport with the senator. And after a little while, Senator Muskie came back in the room and he came up to me and he put his hand on my shoulder, and he said, “I'm sorry Phil.” And I put my hand on his and I said, “I'm sorry Ed.” I'm told that's one of the very few times in his life he ever apologized to anyone. I doubt that. But one of the things I have observed about Senator Muskie, not just those occasions, and we had a lot of personal contact, he wasn't a vindictive person. At least I never experienced that with him. I mean, he was, through his political life he had some real adversaries, some of them very mean, but I never had the feeling that he was a kind of a person who bore grudges, who nurtured grudges, you
know, like *(unintelligible phrase)* President Nixon is supposed to have done. He didn't have an enemies list or anything of that sort. And he and I had a very warm relationship that carried on after the commission was over; I had him speak to a class of mine once and what-all. I had a feeling that I could see where some of his vulnerabilities were as a human being, and that he was a man of depth and had serious political ideals and concerns, and wanted to do good with his life, and did a lot of good. But these little colorful things gave me a sense of the humanity of this man.

**DN:** In the arguments that you refer to, did you ever have the feeling that his intensity was in part testing your ideas? Or was it simply an emotional reaction?

**PW:** Maybe a little bit of both. And I was of course concerned that the integrity of our commission should be preserved and that we weren't to be intimidated by this world figure who was our chairperson we all valued immensely, but I mean we were a commission, each of us had our point of view and our own integrity and purposes. He was capable of testing ideas. I think when he was really testing, he would just test an idea. I didn't really have a sense that a fit of anger was so much that. Though I kind of wondered whether he might have cultivated a little bit of a style here of putting on a scene as a, his way of intimidating people who disagreed with him. I don't know if that's true, that may not be fair. Others who had other, maybe staff relationships with him could answer that better. I do know that these few occasions aside, he was a good colleague, and he respected the members of the commission and would defer to us, and would seek our opinions on things. We all got along very well together I thought.

**DN:** And you had sharp disagreements from time to time. Was there a pattern to those disagreements, or, I'm talking about the commission as a whole?

**PW:** Oh, I don't know. I suppose from my point of view, if there was any kind of a pattern to disagreements it would have been between those who were inclined to let the company off too easily and those who wanted to keep their feet to the fire. There might have been a little bit of that. And in that respect I was one of those who wanted to keep their feet to the fire. Incidentally, one of the things that I don't think the critics of that commission ever fully understood, they were critical of the organization and the committee and commission, and put a lot of pressure on me not to join the commission. And on others, not to join the commission when it was first set up. And the company critics then charged me with having a conflict of interest by being on this commission at the same time I was on the Methodist task force, that the commission was supported by the company and the task force was independent. Well, the commission was independent, too. But I think the thing that they didn't quite grasp politically is, what mattered with the commission wasn't the voting of the commission, I mean not just a matter of whether the commission was a majority or soft on the company or hard on the company or anything of that sort. One person on the commission was all that was needed to keep the company honest. Because if any one member of that commission had publicly declared that the whole thing was a sham, it would have blown it out of the water. It would have taken just one person. And I don't think they understood that. Maybe they still don't. But that meant that on a couple of occasions when I had strong personal feelings, like at the very beginning, wondering about one or two of the people who had been on the committee, commission, wondering where their motives really were. And then that issue over marketing formula in Europe. The company
had to take me personally, very seriously, because they knew that I could, through the leverage, through the Methodist Church, as a big public issue, I could undermine the whole (unintelligible word). I didn't want to, of course. But any one member of that commission had the power to be a person of integrity and to keep the company honest. And I think we understood that. I don't think the critics understood that.

**DN:** Are these some of the same critics who were very critical of the United Methodist Church for setting up the task force rather than joining the boycott?

**PW:** Yeah, uh-hunh. And that included the InFact organization, Doug Johnson was the chair of that, he and I had long conversations. And the, well, some of those associated with the National Council of Churches, which I was a great supporter of. But there were organizations and suborganizations and individuals who were critical of us. In the end, when it came time for the settlement, I was, shall I say, quite gratified when both sides asked me to preside over the press conference, and recognized that we really had been a fair actor in all this.

**DN:** What finally convinced the anti Nestle folks that, that is the pro boycott folks, that Nestle had done its job and complied?

**PW:** There was a lot of interesting and interaction around, I'm trying to get my dates straight here. If I mention any dates, I'm going to misspeak. But an effort was being made to accommodate, around 19-, late 1983 into 1984 and, I think late 1983, December of '83 was basically when the fat was in the fire, and then into '84. Serious negotiations were going on between the corporate critics and Nestle, we helped to facilitate that. I had been involved already in some efforts of that sort. If I can digress a moment back to when the task force, before the, I think this was before, no it wasn't. Yeah, it was before the Muskie commission was set up. We attempted to get Nestle and its critics in the same room at the same time. And we had a meeting in New York at Union Theological Seminary. It offered space for us and here we were in this little library room, a lawyer representing Nestle company and I guess one or two of the Nestle people, and then Doug Johnson and a couple of people representing the corporate critics and the boycott movement, and I was sort of facilitating this. And it seemed to me the obvious first question would be to ask the critics, “All right, what does Nestle need to do to end the boycott, you know, can you spell it out?” To my utter astonishment, they didn't have an answer. It was as though this were a big process. They didn't have clear objectives and, you know, that was a nonstarter. Well, moving along, we finally were pushing them hard, the corporate critics, to come up with their demands and to make things that the company actually could do. I suppose there were some of the corporate critics who were just kind of anti corporation, and anything to keep this big corporation on the ropes would serve the, keep the issue alive. But finally we were able to work with people like Tim Smith of the ICCR, and Doug Johnson, to get a process of serious negotiation going, with the good offices of UNICEF in New York.

**DN:** Did Jim Grant play an active role in this?

**PW:** To some extent at that time. I had a, kind of a confrontation with Nestle myself. I was up there, and I don't think Senator Muskie was a participant in that at that time, but in working with
the company and with the critics, the company wasn't finally going to go all the way, and I've forgotten now just exactly what the issue was. But I spoke to the, one of the representatives, (name) Jackson of the company, and said they simply were going to have to do this, and they wired Vevey in Switzerland and got authorization and that ended it. And they, what was the issue, I've forgotten, it's been so many years now, but whatever the issue was it was fairly crucial to the critics and I thought they were probably on the right side about that. But, you know, I learned one thing about negotiation through all this, I'm sure Senator Muskie long since learned this, he was a diplomat and everything else, but you're in a very strong position if you can work with your negotiating partners, that is the people on the other side of the table, with both a carrot and a stick. And in effect what you're saying to them is, I don't want to recommend to the power, the people I represent, that they do this negative thing; can we work together to prevent that so I don't have to do that. In this case for me it was, I don't want to have to recommend to the Methodist Church that they join the boycott. Now there's the damnation of eight million people, it would have been a tough thing for Nestle. And to convey my serious concern for Nestle, that really, “Let's work together so we don't have to go that route.” I'm sure that's standard negotiating behavior among diplomats, but I learned that the hard way through this episode.

DN: The way many of the diplomats have learned it.

PW: I suppose, I suppose, kind of instinctively. I was impressed by Senator Muskie's diplomatic finesse, his ability to, I mean he played hard ball with the company on occasion. And they knew that if he ever signed off, I mean if he ever opted out of this thing, they would have a serious problem as a company.

DN: One of the things I noted in the summary of major aspects of the work of the commission was an apparent, more than a disagreement, a bit of an impasse between the company and the commission on the unilateral action Nestle took in Thailand in 1988, and I haven't read the minutes or the details but I was intrigued as to how that came about and how the commission dealt with it. They had apparently made that decision unilaterally without informing the commission.

PW: Yeah, well they, understand that Nestle was organized on a national basis, and that in most countries you had a national subsidiary which was a company of that country. Usually in the CEO spot or just under the CEO spot there was a proper Swiss gentleman who was calling the shots and transmitting company policy to the subsidiary. In the case of Thailand, I think, now maybe you can remind me what that issue was. I do recall the incident.

DN: They announced that they were withdrawing their offering of free infant formula in Thailand.

PW: Oh, that they would begin offering free formula in the hospitals. Okay. Incidentally, I visited Thailand shortly after that as a part of an Asian swing, and again kind of doing it the way we did it, just appeared unannounced. That did evoke some serious debate in the commission, and my recollection is the company -

DN: They apparently backed down.
PW: They backed down on that. I don't recall the rationale, unless it was just simply competitive pressures there.

DN: Was one of the major problems in dealing with the Nestle compliance with code the fact -

End of Side A
Side B

DN: This is the second side of the May 2nd interview with Reverend Wogaman.

PW: Yeah, we were talking about Thailand and how the company was organized independently in different countries. Some countries even specified that a majority of the directors must be nationals of that country and that sort of thing. But Nestle had to maintain quality control of their product everywhere, and since the WHO code had come into being, they also were under constraints to maintain uniformity there, too, that every subsidiary must follow the WHO code. They could exercise fairly tight control, but they didn't always. And in fact that was one reason why they wanted to have the commission, to give credibility to their claim that they were in fact enforcing the WHO code everywhere, and there was a mechanism of enforcement.

DN: And you issued a fairly large number of reports, I think fourteen.

PW: Were there that many?

DN: In the course of the commission's work.

PW: A lot of that was just plain boilerplate, same kind of material, but you get a flavor of the evolution of the commission, too, out of that and how we were confronting different problems in different places. At one juncture we set up consultations on a regional basis, we did that in Nairobi, Kenya for some African countries, we did it in Bogota, Colombia for Latin American countries, to talk with health care experts and people in a position to know what was going on in those countries, and help us to work with Nestle and other companies.

DN: Was there a particular pattern to the violations of the code, or -?

PW: No, I mean, they were fairly simple issues. One of them was that there should be no mass media advertising, another was that there should be no display marketing in markets as pharmacies or grocery outlets, and that there should be no free gift formula in hospital type settings or by physicians. We would run into abuses in those areas here and there around the world. One typical abuse that gave rise to the Nestle boycott in the beginning was the use of so-called "milk nurses", that is sales persons, sales women who were dressed up like nurses, and might in some cases have been actual nurses, who would hold consultation set-ups with, in village settings with mothers and would convey the idea that infant formula is the modern way of good nutrition for their children. And that of course had devastating effects, and was properly condemned. By the time our commission was in state, I don't think we ran into any of that. I
recall in some countries seeing what could have been described as abuses in particular market settings. In the case of the Philippines, I visited the Philippines on one of my trips, and spotted some television advertising, and we were critical of that anywhere. We tried to check up on the medical profession to make sure there weren't any improper uses of pediatricians and doctors in marketing formula. I wouldn't say there was any widespread pattern. And in fact, I think Nestle, more than most of the other companies, really came into compliance with the WHO code in most areas.

DN: Within the commission, we've talked a little bit about differences of opinion, and differences of opinion between Senator Muskie and you, and presumably -

PW: I don't want to overstate that, by the way.

DN: Oh no, but how generally did he manage dealing with the differences of opinion that would inevitably crop up in such a commission, and the outside sniping that would affect members of the commission?

PW: Well, so far as differences within the commission, he was a pretty good presiding officer most of the time. He got into it personally sometimes, he got carried away. But, no, I think most of the time he, I always had a feeling that I could speak my mind, and I'm sure others did, too. We sometimes had differences. I wouldn't want to overstate that, I think we more often arrived at consensus on issues. We shared reports of our various travels. And so far as the sniping is concerned, I think we were all unhappy with that, and I think where my response was a little different than some of the others on the commission, and maybe Senator Muskie himself, I wanted to be very sure that we didn't drift into being on Nestle's side in this dispute, that our role was to be independent. And that meant that we would take seriously what the corporate critics were saying, insofar as they were being responsible. And sometimes they were not. And so that we could be perceived by fair minded people as being independent, and playing more of a mediating role and a fair auditing role. Maybe there were some disagreements that centered around that kind of thing. And I became a little uncomfortable if there was too much innuendo within the committee about the critics.

DN: There's always a risk in that situation, that an organization will become highly defensive.

PW: Yes.

DN: Did you manage to avoid that from your point of view?

PW: Well, I know I felt defensive sometimes, I think so on the whole. We would, if we'd hold a press conference, of course, the press would be asking these badgering questions. We had some press conferences, including the initial one to my recollection here in Washington in May of '82, we got a few barbed questions that we had to deal with about our role, what we projected our role to be as a, that was before we knew one another. There were some people in the press who were quite critical of what we were doing.

DN: In the end, as you look back on it, how successful do you think the commission was in
carrying out its mandate?

PW: I feel pretty good about it. I think on the whole we did what we needed to do, which meant we helped Nestle do the right thing, but also we helped to resolve a big conflict. There was a whole post script later on which centered around marketing in the United States, well after the Nestle boycott as such had been settled, and I'd like to add a personal post script on that one. When, I've forgotten what year that was precisely but, could have been around '90, '91, but Nestle sued one of the big American companies and the American Pediatric Association on the ground that this was a combination in restraint of trade, it was under the Anti Trust Statutes, that this was a conspiracy by U.S. companies and the American Pediatric Association to prevent Nestle from marketing their product through television advertising. And by this time they were working with Carnation, they had acquired Carnation which had infant formula products, and so they were suing for half a billion dollars as I remember it, those who were, they were alleged, preventing them from marketing through television, which would have been in violation of the WHO code. Well, I was invited by the law firm representing the defendants to testify in this federal court out in California, in L.A., to indicate what we would have done to them if they had not agreed not to advertise with television, and the fact that the churches and others would have been on their case if they had started advertising on television. That this wasn't just a corporate conspiracy, that this was an American activist insisting on responsible behavior in compliance with the World Health Code. And I had a great day on the stand that day, but I was testifying against Nestle in that case, and Nestle lost its case, and I think they needed to lose their case, I was really quite angry with them at that point. But this was a long time after the work with the commission.

DN: Was it with different corporate leadership at that time?

PW: I don't know whether President Maucher was still in charge. He may have been, but I believe this was basically the American subsidiary at work, and maybe under the (unintelligible word) theory that the World Health Code only applied to the Third World. That was a little postscript, and that was literally my last involvement with this whole thing. I've forgotten what year that was, it was, I can tell you it was the same year that the O.J. trial was going on, because it was in a courtroom, courthouse up the street from where we were operating.

DN: Which lessened the public attention to your -

PW: Oh, I don't think there was much public attention at all.

DN: Well thank you very much.

PW: Could I add one little anecdote?

DN: Sure.

PW: This doesn't have anything to do with the Nestle episode, but it does have something to do with Senator Muskie, one of my precious little Muskie stories. He and I were walking on the street over here on Vermont Avenue I guess, heading toward his law office one day, and we
passed a woman on the sidewalk there who looked at us, and then as we passed her she retraced her steps and came running up and said to him excitedly, “Has anybody ever told you that you look like Senator Muskie?” And he looked at her and smiled and he says, “Yes.” But that’s all he said. I always thought that was wonderful. No vanity there. “Has anyone said you look like Senator Muskie?” “Yes.” He didn’t go on and say, “Well I am Senator Muskie,” you know. And he and I traveled abroad together a couple of times, once to Mexico where we were to I guess meet with company officials down there, and then also, our commission was sponsoring a study in Mexico, and then we visited several hospitals while we were there. And we observed that Nestle was not giving out free formula samples, but other companies were, and it was a really good reminder that when one company behaves well, that can confer a market advantage on competitors. And another time we traveled to Vevey together, and he was a wonderful traveling companion and I had a good time with him. So.

DN: Thank you very much.

PW: You bet, thank you.

End of Interview