

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

July 21, 2022

Mardi Mountford, M.P.H.  
President  
Infant Nutrition Council of America  
3200 Windy Hill Road S.E., Suite 600W  
Atlanta, GA 30339

Dear President Mountford:

We write to express concern about the infant formula supply shortage which continues to leave families struggling to find infant formula product on their shelves to feed their babies. Due to issues of market consolidation, and Abbott owning 43 percent of the infant formula market in the United States, the closing of the bacteria-filled Sturgis, Michigan facility without Abbott having a contingency plan led to an infant formula shortage.

Despite efforts to increase production domestically and importing from other countries, shelves remain bare. Recent IRI marketplace<sup>1</sup> data showed that over 31 percent of powdered infant formula products remain out of stock in U.S. stores as of last week, which is more than the 27 percent the previous week. These shortages remain acute in several states across the country, including Utah, Wyoming, and Alaska.<sup>2</sup>

At the same time, there are fewer options for consumers to choose from, including fewer brands, sizes, and forms (*i.e.*, ready-to-feed liquid, concentrated liquid, and powder). According to the IRI marketplace data<sup>2</sup>, U.S. stores are selling an average of 11 different infant formula products per store weekly, compared with a weekly average of 24 from 2018 to 2021.

Yet, it has come to our attention that infant formula companies are still – without solicitation – sending individuals sample infant formula from acquired consumer lists as a means of marketing their product. In one documented incident, for example, a woman who purchased a pregnancy test at a store and used identifying information – in this case a retailer’s rewards card associated with her home address – was proactively sent infant formula product. Aside from the privacy concerns raised by these types of stories, at best this type of practice demonstrates a lack of appreciation for the severity of the infant formula crisis. By unnecessarily sending sample formula to households that have no demonstrated need, we are effectively wasting precious product that many families already desperately need, and all in the name of advertising and creating brand awareness.

We urge the Infant Nutrition Council of America and your member companies to suspend sending infant formula product as a means of advertising from acquired consumer lists. This product should be distributed to U.S. stores and purchased by families in dire need of this

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<sup>1</sup> <https://www.cnn.com/2022/07/21/health/formula-shortage-continues/index.html>

<sup>2</sup> <https://www.wsj.com/articles/baby-formula-shortage-deepens-defying-replenishment-efforts-11657796400>

product. It is unconscionable to keep infant formula from American families still struggling to find infant formula product on the shelves, and often times traveling far distances to secure the product.

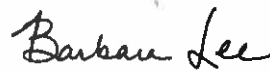
Thank you in advance for your attention to this matter. Please direct correspondence pertaining to this request to Marie Gualtieri at [marie.gualtieri@mail.house.gov](mailto:marie.gualtieri@mail.house.gov).

Sincerely,



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Rosa L. DeLauro  
Member of Congress



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Barbara Lee  
Member of Congress



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Sara Jacobs  
Member of Congress



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Ro Khanna  
Member of Congress



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Lucille Roybal-Allard  
Member of Congress



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Chrissy Houlahan  
Member of Congress



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Madeleine Dean  
Member of Congress



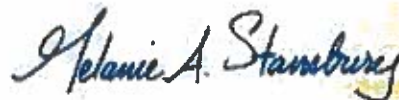
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Sheila Jackson Lee  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



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Melanie Stansbury  
Member of Congress



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Grace Meng  
Member of Congress



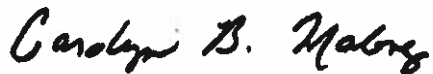
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James P. McGovern  
Member of Congress



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Dwight Evans  
Member of Congress



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Carolyn B. Maloney  
Member of Congress