



KARTHIK RAMANNA

RADHIKA KAK

The Maggi Noodle Safety Crisis in India (A)

*The most important thing we have is trust, which is fragile and we can lose that very fast. . . . [T]rust is built slowly. We earn it day by day. We can wipe that out with one mistake. That's the biggest challenge we have.*¹

– Paul Bulcke, CEO, Nestlé

June 4, 2015: Paul Bulcke faced a difficult decision. The CEO of the world's largest food company,² he had just met with federal officials at India's food-safety regulator, FSSAI. The government of the national capital territory of Delhi had ordered a ban on Nestlé's flagship product in the country, Maggi Noodles.³ Bulcke was concerned that the Delhi ban, and the growing nationwide media storm, was creating confusion in the minds of Indian consumers. He wanted Nestlé India to act fast.

Maggi Noodles had been under attack in India during the previous month for alleged violations of food-safety standards after a test by a state government lab had found samples containing monosodium glutamate (MSG, an ingredient that Nestlé stated it did not add to its product) and above-permissible levels of lead.⁴ Nestlé rejected these results.⁵ Subsequent testing by government laboratories in other states revealed conflicting results, with some showing the product to be safe and others reinforcing the initial findings.⁶ Nestlé suggested that the incriminating test results were the outcome of incorrect testing techniques, commonly suspected in public laboratories.⁷ The company was confident of Maggi's safety, as its own tests indicated.⁸ But the local government in Delhi had initiated a ban, and media reports were indicating that other state governments would follow suit. The FSSAI was also considering a nationwide product-recall order on Maggi Noodles.

Bulcke was no stranger to doing business in emerging markets. But the challenge Nestlé now faced in India was formidable—an existential threat to its most well-known brand at the hands of unpredictable regulators. Compounding the situation was India's hyperactive "24x7" news media, known for its sensationalism: a multinational-related controversy made ideal material for prime-time television, especially given Maggi's widespread consumption among middle-class Indians. Journalists were aggressively and relentlessly covering the controversy, and social media involvement was amplifying the negativity. Consumer confidence was damaged, and Maggi sales were plummeting.⁹ Bulcke and the team at Nestlé India had to decide quickly how to respond to the crisis.

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Nestlé: “Good Food, Good Life”

Nestlé was a 149-year-old, food and beverage multinational company (MNC) headquartered in Switzerland. Henri Nestlé had created the company by developing a successful infant cereal, *Farine Lactée*. Since then, the company had diversified into many segments beyond baby foods, including coffee, drinks, dairy and ice cream, cereal, bottled water, chocolates, pet care products, and, most recently, Nestlé Health Science and Nestlé Skin Health.¹⁰ In 2015, Nestlé employed 339,000 people in 197 countries.¹¹ Its market capitalization was approximately \$250 billion. It had over 2,000 brands in its portfolio.¹² Many of these, including Nespresso, Nescafé, Kit Kat, Smarties, and Maggi, had annual sales in excess of \$1 billion. Nestlé stood 43rd on the *Forbes* World’s Most Valuable Brands 2015 list,^a higher than other well-known multinational conglomerates such as Starbucks and MasterCard. Nescafé was even higher, in 31st place.¹³

Some attributed Nestlé’s success to its customer centricity, evident from the fact that 3 of its 10 core business principles were focused on the consumer (see **Exhibit 1** for Nestlé’s values).

Nestlé and Maggi Noodles in India

Nestlé’s Early Days

Nestlé’s relationship with India dated to 1912, when the firm began importing and selling finished goods in the market through a subsidiary. The company set up its first manufacturing plant in the country in 1961, in the state of Punjab.¹⁴ The goal was to create an agro-industrial operation that raised living standards for farmers in the community, while generating revenue for the firm. Fifty years later, the Nestlé model of sustainable community development was widely hailed as a success.¹⁵

By 2015, Nestlé had eight manufacturing facilities in India.¹⁶ It manufactured and sold food and beverage products under globally recognized brand names, including Nescafé, Milkybar, Kit Kat, Bar One, Munch, and Nestea.¹⁷ It customized its products to cater specifically to Indian tastes, introducing products like Nestlé *Jeera Raita* (cumin-flavored yogurt). By 2015, the firm had grown to acquire a presence across 3.5 million retailers in India.¹⁸ It received accolades that ranked it within India’s “Most Respected Companies” and “Top Wealth Creators.”¹⁹ Though India accounted for only 2% of Nestlé’s worldwide sales and profits, the firm considered the country a high-potential and strategic market.^{b,20}

Maggi Noodles in India

Maggi was an over 100-year-old Nestlé brand consisting of instant soups, stocks, bouillons, ketchups, sauces, seasonings, and noodles. Nestlé developed the Maggi product line to cater to changing consumer lifestyles and provide convenience to the modern-day consumer on the go.²¹

The company launched its Maggi instant-noodle product line in India in the early 1980s, at a time when the “buy and make” food category was at a nascent stage in the country.²² The concept of mixing dried noodles with a packet of seasoning (known as “Tastemaker”) in boiling water to

^a This list ranked firms and brands by earnings in industries where branding played a major role. To qualify, the brand needed to have a presence in the United States.

^b An exchange rate of 1 CHF = 66.0 INR (rate as of July 20, 2015) was used.

prepare an instant-noodle snack was virtually unheard of. At that time, Indian consumers had conservative food habits, preferring to eat traditional Indian dishes rather than canned or packaged food.

Initially, Nestlé had to fight hard to gain acceptance for Maggi. After multiple unsuccessful promotional iterations that focused on selling Maggi as a snack for working mothers, Nestlé finally understood that children, rather than mothers, were the biggest consumers of Maggi. It revamped its strategy to position Maggi as a quick and healthy snack for children—convenient for mothers to prepare and fun for kids to eat. It was promoted as an after-school snack demanded by children, with taglines like *Mummy, bhook lagi* (“Mom, I’m hungry”). It advertised on popular children’s television shows and launched initiatives in which children were given gifts like games, stationery, comics, and caps.²³

This approach paid off. Effective marketing, together with the shift toward nuclear families, busier lifestyles, and more women in the workplace in India, enabled Maggi to find a foothold. The concept struck a chord with middle-class Indian families. By the mid-1990s, Maggi had been widely adopted as the go-to snack for children and young adults in middle-class India, and the brand name “Maggi” had become synonymous with the concept of instant noodles. Maggi’s rapid adoption by Indian families was fostered by the lack of alternatives. At the time, there were few “buy and make” food products available in the market. Some observers went so far as to say that Maggi was the “third staple” in India along with rice and lentils.²⁴ A senior Nestlé executive noted that when she had first come to oversee Maggi in India, a friend in the country had said to her, “There are three things that unite India: cricket, Bollywood, and Maggi.”²⁵

Over the years, Nestlé continued to make product and branding improvements to Maggi to ensure its continued relevance. In the second phase of branding, Nestlé focused on building an emotional connection with its consumers. It adopted personal and evocative slogans like “*main aur meri Maggi*” (“me and my Maggi”) and “*2 minute mein khushiyaan*” (“happiness in two minutes”).²⁶ Endorsement by two of Bollywood’s most beloved film stars, Madhuri Dixit and Amitabh Bachchan, further enhanced the product’s visibility. This advertising effort worked. As one advertising expert explained, “Nestlé has developed an emotional relationship with the consumer in India. Consumers feel that Maggi belongs to India, that Maggi is an Indian brand.”²⁷

Maggi’s third phase of branding focused on health. In the mid-2000s, in line with middle-class consumers’ increasing preoccupation with health, Nestlé branded Maggi as a nutritious and healthy food product with taglines like “*taste bhi, health bhi*” (“tasty and healthy”) and “*health ko mazedaar banaao*” (“make health fun”).²⁸ The firm engaged its R&D centers in developing healthy variants. This led to an expansion of the Maggi Noodle portfolio to include products made of wheat, semolina, and oats, and enriched with protein and calcium.²⁹ Nestlé also introduced seasonings fortified with iron, iodine, and vitamin A to address concerns about micronutrient deficiency.

Continued product and marketing innovation enabled Maggi to retain a dominant position in the Indian instant-noodle space. It held a market share of over 60% despite the entry of several players over the years.^{c,30} Much of this was due to the preeminent status the brand had already acquired in the minds of consumers. Indeed, the 2014 WPP–Millward Brown survey recognized Maggi as “The Most Powerful Brand in India.” In the 2014 Brand Equity survey of the Most Trusted Brands, Maggi retained its number-one position among food brands. Maggi was a key contributor to Nestlé’s

^c Better-known instant-noodle brands that entered the market during this period were Imperial Tobacco Company of India’s (ITC) “Sunfeast YiPPee!,” Indo Nissin Foods’ “Top Ramen,” and CG Foods’ “Wai Wai.”

revenues in India, accounting for approximately 30% (see **Exhibit 2** for a breakdown of Nestlé India's revenues).³¹ India was also an important market for Maggi globally, being the largest single market for the brand.³² A senior Nestlé executive estimated that Maggi Noodles in India contributed approximately \$375 million to the company's top line.³³

Food-Safety Regulations in India

Processed-Food Industry Regulations

The Indian processed-food industry accounted for an estimated 32% of the country's food market.³⁴ The industry was highly fragmented, with approximately 75% of output generated by the unorganized, small and medium-sized enterprises (SME) sector.³⁵ This included an estimated 10 million street food vendors.³⁶

Historically, 13 different laws pertaining to sanitation, licensing, food safety, and labeling governed the processed-food industry. In 2006, the government consolidated these laws under the Food Safety and Standards Act (FSSA). It also established a new national regulatory body, the Food Safety and Standards Authority of India (FSSAI) to monitor the industry.³⁷

FSSAI regulations spanned four main areas—food quality, packaging and labeling, signage and customer notices, and licensing registration and permits. To regulate food quality, the law set out limits on the use of food additives, pesticide residues, heavy metals, and other toxic substances in food products. To ensure transparent labeling, the law prohibited the description or presentation of prepackaged food in any manner that was false, misleading, or deceptive. Each package was required to carry a list of ingredients and a declaration on food additives. The law prohibited misleading or inaccurate advertisements, and prescribed that no statement should be made, either orally or in writing, that falsely represented the food's standard, quality, usefulness, or efficacy. The law allowed the FSSAI to mandate product recalls for foods deemed unsafe.³⁸

Experts noted that there were many deficiencies in the new food-safety law. One key concern was that the law took a product-approval approach rather than an ingredient-approval approach. In India, the food-safety law prescribed rules and limits for only 377 "standard" preapproved food products. In developed countries, the food-safety law prescribed rules and limits for more than 10,000 preapproved ingredient categories.³⁹ Consequently, in India, a wide range of food products fell into the "not otherwise specified" category and were thereby ambiguously and arbitrarily regulated. This approach also increased the FSSAI's regulatory burden, as it had to issue premarket approvals for all products that did not fall within the standard list.⁴⁰ For the FSSAI, attesting thousands of product-approval applications with a very limited budget of approximately \$63 million⁴¹ was a nearly impossible task.⁴² (By contrast, the U.S. Food and Drug Administration [FDA] budget was \$1.6 billion for the year ending September 30, 2016.⁴³) D. Shivakumar, chairman and CEO of PepsiCo India, explained, "Firms want India to move to an ingredient-approval route, similar to what is prevalent in other parts of the world. This will ease regulatory burden on the FSSAI, as it will lower the number of product-approval applications."⁴⁴

Another issue was the stringency of the law itself. Some industry insiders noted that laws in developed economies were far more stringent. For instance, a senior employee at Haldiram's, a popular Indian snack manufacturer, stated, "A pesticide that is permitted in India may not be allowed [in the U.S.]. And even if it is, they may not allow it in the same concentration as it is here."⁴⁵

Issues in the Implementation of the Food-Safety Law

The food-safety law was not well enforced in India. One reason was limited infrastructure and human capital resources at the country's 5 federal and 68 state food laboratories.⁴⁶ For the 2012–2017 period, the FSSAI had received only 40% of requested government funds.⁴⁷ A legal expert observed, "What I keep hearing from the industry is that at the [government] labs, there is no equipment available, and even if equipment is available, people are not trained [in their use]."⁴⁸ Rekha Singhal, a senior professor of food science at one of India's leading academic institutes for chemical technology, concurred, "The best qualified food scientists from top universities rarely enter government laboratories, as salary levels are unattractive."⁴⁹ A retired FSSAI officer revealed that all seven food-officer positions at the Kolkata federal food laboratory had been vacant since 2010, citing low pay as a reason. He further disclosed that the Mumbai federal food laboratory had not updated its equipment since 2008, and that no FSSAI laboratory was equipped to test for pesticide residues.⁵⁰

Another reason was that a fragmented and unorganized food sector made law enforcement difficult. In the meat industry, for example, India had six times as many unregistered slaughterhouses as registered ones. Unregistered houses were unregulated and plagued by poor hygiene conditions.⁵¹ Similarly, India had many unregulated street vendors. In theory, the FSSAI was to give out licenses to street vendors after confirmation of their compliance with sanitary conditions.⁵² In practice, street vendors rarely applied for the requisite permits and were difficult to track given their large numbers situated in varied locations. They suffered from poor sanitary conditions due to inadequate access to basic facilities like water, toilets, and waste disposal.⁵³

Apathetic law enforcement was another problem. Complaints of malfeasance were often left unaddressed. The Centre for Science and Environment (CSE), a public interest research and advocacy organization, recently found that "Top Ramen" instant noodles and "Haldiram" snacks contained trans fats, although the products were advertised as trans-fat free.⁵⁴ It also found high levels of antibiotics in honey samples. None of these allegations were seriously examined by the government.⁵⁵ Frustrated by frequent delays at the FSSAI, firms often launched and marketed their products before receiving regulatory approval.⁵⁶ The FSSAI ignored many such cases of noncompliance.

Some argued that ineffective monitoring was leading to complacency at food and beverage MNCs. As in other areas of governance, there were also allegations of companies resorting to bribery to stave off regulatory focus. According to Amit Khurana, manager for food safety at the CSE, "India desperately needs to strengthen its monitoring mechanisms . . . to address three pertinent concerns: contamination, labeling, and advertisements."⁵⁷ He pointed out that the websites of MNC fast-food companies were far more detailed in the U.S. than they were in India.⁵⁸

Given the backdrop of lax enforcement of food-safety standards, it was not surprising that the U.S. FDA rejected more snack imports from India than from any other country. Reasons for rejection varied from packaging and labeling issues to alleged contamination. The FDA stated that several Indian products contained high levels of pesticides, mold, and bacteria.⁵⁹

The Maggi Noodle Safety Crisis

Emergence of Food-Safety Concerns

In March 2014, Vineet Kumar Pandey, a food-safety officer in the northern state of Uttar Pradesh (UP), collected samples of Nestlé's Maggi Noodles as part of a routine quality-testing exercise. The samples collected were from a batch manufactured in February 2014. Pandey sent the samples to a state government laboratory, where they tested positive for the presence of MSG, an ingredient that Nestlé said it did not add to its product.⁶⁰ Health experts generally recognized MSG as safe for consumption, but its use in food was controversial.⁶¹

The state regulator issued a notice to Nestlé setting out its findings, but Nestlé refuted the findings. Consequently, in July 2014, the regulator sent the samples for retesting to a federal food-testing laboratory in Kolkata. Almost a year later, in April 2015, the Kolkata laboratory test results were released. They not only confirmed the presence of MSG, but also indicated a high lead presence, at 17.2 parts per million (ppm).⁶² Government regulations prescribed lead limits ranging from 0.2 ppm (for infant food) to 10 ppm (for products like baking powder, tea, dried herbs, and spices and flavorings). The level prescribed for the "foods not specified" category was 2.5 ppm.⁶³ The results were damaging for Nestlé: globally, health experts considered lead consumption harmful to health, particularly for children, where it was known to compromise intellectual development.⁶⁴

On April 30, 2015, the UP authorities asked Nestlé to recall its February 2014 batch of Maggi Noodles, which consisted of 200,000 packages. When Nestlé headquarters in Vevey, Switzerland, heard of the notice, CEO Bulcke called in his technical team. "I need you to look me in the eye and tell me that our product is safe," he said to them. With full assurance from the quality-control staff (see **Exhibit 3** for data from Nestlé's internal and third-party tests for lead in Maggi Noodles), Bulcke's approach was to treat the situation as a technical matter. The company expected the issue would be resolved by sharing data from its tests. Bulcke asked the company's head of operations in Vevey to oversee the response.⁶⁵

The company responded to the recall order on May 21, stating, "Nestlé India's current practice is to collect stock that is near the 'Best Before' date from distributors/retailers, so we are confident that these packs are no longer in the market." The company disagreed with the recall order and committed to undertaking a fresh set of tests conducted by independent laboratories to verify results.⁶⁶ On May 29, Nestlé issued another press statement: "We do not add the flavor enhancer MSG to Maggi Noodles sold in India. However, the product contains glutamate derived from hydrolyzed groundnut protein, onion powder, and wheat flour. Glutamate produces a positive test result in a test for MSG."⁶⁷ Subsequently, on June 1, it announced results from testing conducted on samples drawn from 125 million packages of Maggi Noodles: "All the results of internal and external tests show that lead levels are well within the limits specified by food regulations and that Maggi Noodles are safe to eat. We are sharing these results with the authorities."⁶⁸

The FSSAI was unconvinced. It asked each of India's 29 states to test fresh Maggi samples.⁶⁹ Some states (like Delhi, Gujarat, Uttarakhand, and Tamil Nadu) found issues with Maggi samples, while others (like Kerala, Maharashtra, and Goa) found them satisfactory (see **Exhibit 4** for test results).⁷⁰ State governments responded in an ad hoc manner. Some banned Maggi before testing; others banned it even after the product tested as safe. Only a few states refrained from taking action.

Simultaneously, a court in the state of Bihar ordered a First Information Report^d against Maggi brand ambassadors, prompting a warning from the food and consumer affairs minister, who stated that anybody associated with “misleading” Maggi advertisements was liable for prosecution.⁷¹

Reporting of the Issue in the Press and Social Media

By some estimates, India in 2015 had over 400 television channels focused on news and current affairs.^{e72} Each was competing for viewership among India’s 168 million television households.⁷³ One outcome of this intense competition was the tendency of journalists to sensationalize news and even pronounce judgments before all facts were available. “Perhaps the biggest danger we face today is the tabloidization of our news,” noted Prannoy Roy, one of the country’s most respected journalists.⁷⁴ As the back-and-forth between Nestlé and the FSSAI intensified, television channels and newspapers in India reported excitedly on what they saw as one of the biggest stories of the year.

News articles were published with headlines like, “‘Maggi’ under regulatory scanner for lead, MSG beyond permissible limit,”⁷⁵ “Maggi betrayal has broken our good Indian hearts,”⁷⁶ “Maggi controversy: The unpalatable truth about how lead got into your noodles,”⁷⁷ and “Maggi controversy shows Indian consumers are taken for granted.”⁷⁸ The emotional nature of Maggi’s brand relationship with its customers, together with the confusion over conflicting test results and the public’s lack of understanding of underlying food science, provided the media with an opportunity to shape public opinion. Before long, Maggi faced a trial by media.

Just as traditional media extensively covered the controversy, social media amplified it. The rise in prominence of social media players like Facebook and Twitter augmented the dissemination of news, irrespective of authenticity. Facebook was the largest social media platform in India, with 118 million users in 2015, while Twitter had a base of 22 million Indian users. Indian social media users spent nearly three hours, on average, on the platforms daily.⁷⁹ For companies, this had clear repercussions: debate on controversial issues could travel widely in a matter of hours.

According to Simplify360, a social media-monitoring group, the Maggi crisis generated 443,000 conversations on the Internet, most taking place during the first four days of June 2015⁸⁰ (see **Exhibit 5** for examples). Not all coverage was negative; some brand loyalists wrote articles titled, “For Maggiholics, it remains a dish of noodles and nostalgia,”⁸¹ “Top five Maggi recipes that made our childhood special,”⁸² and “Maggi adulterated my memory, not food,”⁸³ evoking nostalgia for the brand. However, social media analysis found 70% of comments to be negative or neutral.⁸⁴ Topics like #Maggiban and #MaggiInasoup were trending.⁸⁵ Reacting to the crisis, Chetan Bhagat, a well-known Indian author, tweeted, “Maggi Noodles is now facing the biggest and fastest PR disaster in the social media age. Cooked in less than 2 minutes this time”⁸⁶ (see **Exhibit 6** for selected social media comments).

To some, the extent of consumer involvement was not surprising. Shivakumar of PepsiCo pointed out, “Food is a very emotional topic in most countries, especially products consumed by children. Mothers tend to be very protective and careful when it comes to food. Hence, building consumer trust is of paramount importance.” Maggi sales plummeted, with large-city retailers citing a 15% to

^d A First Information Report (FIR) was a written document prepared by the Indian police when they received information about a cognizable offense. The important document initiated the criminal justice process.

^e As of the end of 2014, India had 826 permitted private satellite TV channels, of which roughly half were news and current affairs channels.

20% decline and others bemoaning an even greater drop.⁸⁷ Nestlé India's stock price fell 15% between mid-May and early June (see **Exhibit 7** for a timeline of the Maggi crisis).

Ambiguity on Appropriate Testing Procedures and Norms

The variance in Maggi test results from public laboratories raised considerable doubt about government testing procedures in India. The most pertinent question was why the tests had produced such different lead readings. The lead result from the sample tested in Kolkata was particularly anomalous, at 17.2 ppm. Test results from all other states had shown lead levels below 5 ppm (see **Exhibit 4**). Nestlé offered an explanation. It pointed out that the Kolkata testing had been carried out on a sample of Maggi Noodles that had expired and been left open for a considerable time before testing.⁸⁸ However, when asked about this explanation, Singhal, the food scientist, noted that lead would not occur in a product simply because of exposure to air or the passage of time.⁸⁹

Even excluding the Kolkata test results, there was significant divergence in the results released by other states (see **Exhibit 4**). Singhal provided an explanation: "To test for lead, the food product first has to be incinerated, converted to ash. In this step, the food product is dissolved in acid. This is to wipe out all the organic matter so that only the inorganic matter, which includes lead, is left. During this process, several factors can affect test accuracy, leading to overestimation of lead levels. This includes inadequate skill of the officer conducting the testing, obsolete or dirty equipment, or impure reagents such as the acid. The water used [to dilute the acid] could also impact test results because tap water supplies commonly contain lead. Lead presence could also be the result of contamination of the Tastemaker ingredients. For instance, the Tastemaker contains dehydrated onion, which could be polluted by lead present in the soil where the onion was grown. Improperly discarded batteries [a common problem in India] are a source of lead contamination in soil."⁹⁰

Another reason cited was divergent testing norms. Nestlé favored conducting lead testing on Maggi "as consumed" (see **Exhibit 8** for preparation directions), that is, on a sample of noodles and the Tastemaker mixed together, and applying the 2.5 ppm lead limit on the mixed preparation. Moreover, Nestlé maintained that even if the noodles and seasoning were tested separately, results would still show lead to be much below the permissible limits. The company stated that multiple tests of the noodles and the seasoning carried out separately and "as consumed" showed that this was the case. The FSSAI favored testing Maggi Noodle packets and the Tastemaker independently, applying the 2.5 ppm lead limit to each, as the two items were packaged separately (see **Exhibit 9** for a photo of package contents).⁹¹ Relatedly, there was some debate around the appropriate lead limit for Maggi Noodle components. Some suggested that the Tastemaker should be classified under the "spices and flavorings" category, where the prescribed lead ppm limit was 10, and the noodle component under the "foods not specified" category, where the ppm limit was 2.5.⁹² The FSSAI did not agree.⁹³

The debate on MSG revolved around appropriate labeling norms. To justify its position against Nestlé, the FSSAI referred to U.S. FDA regulations, which stated, "Foods with any ingredient that naturally contains MSG cannot claim 'No MSG' or 'No added MSG' on their packaging."⁹⁴ However, given the lack of clear rules on this subject in India, the practice of adding "No added MSG" labels to instant-noodle packets containing natural sources of glutamate was common in the country.⁹⁵

Food Quality Issues – Not a First for MNCs in India

The Maggi crisis was not the first time in India that a prominent MNC had been caught up in an issue pertaining to food quality and safety. In October 2003, Cadbury, the British chocolatier, found itself in trouble when some customers in Mumbai complained of worms in its flagship Dairy Milk bars. At the time, Cadbury held a 70% market share in the chocolate category. Cadbury blamed poor retail storage conditions in the country for the infestation. But the state food regulator blamed Cadbury, stating that “packaging was not proper or airtight” and that unhygienic retail conditions should have been anticipated in packaging, so the problem was “a manufacturing defect.” A series of allegations and counter-allegations between Cadbury and the state regulator led to increased negative publicity for Cadbury. The company’s sales fell by 30% during the peak holiday season. In response to extensive negative publicity, the firm revamped its packaging and launched a rebranding campaign.^f By May of the following year, Cadbury had started to recover, and by June, the firm said consumer confidence was back.⁹⁶

Another such incident occurred in the soft drink industry. In August 2003, the CSE found traces of pesticide residue in aerated drinks sold by PepsiCo and Coca-Cola equivalent to 37 and 30 times, respectively, the limit prescribed by the European Commission.^{g,97} The media portrayed both MNCs in a bad light, fueled by the fact that bottles sold in the U.S. had been found to be pesticide free. Various state governments banned the products. Consequently, aerated drink sales fell by approximately 40%.⁹⁸ This sequence of events resulted in bringing the staunch rivals together in a historic press conference, where they refuted the CSE’s findings, and threatened legal action against it. Both firms launched aggressive marketing campaigns led by A-list Bollywood brand ambassadors.^{99,100} But some observers noted that the cola companies never fully recovered from this crisis: one brand expert opined, “[For them] it was difficult to fundamentally address allegations on product safety, because the issue was pesticide presence in groundwater, and they couldn’t change the groundwater they were using.”¹⁰¹ Reflecting on the issue, Shivakumar noted that Pepsi had benefited from the fact that the media was less sensationalist at the time: “The situation today is very different. We live in a social media world, which deals with things very differently. Companies need to orchestrate a response through a wide range of channels. If you enter the conversation too late, you have ceded control of the topic.”¹⁰²

To Withdraw or Not to Withdraw

As the situation with the FSSAI grew more serious—making a nationwide product-recall order more likely—and as the Indian press and social media became increasingly vocal in their criticisms of Maggi, Nestlé had to decide what to do.

On the matter of the presence of lead, some executives at that time felt that since independent tests commissioned by the company had shown Maggi to be safe, the company should not pursue a withdrawal. A senior Nestlé India executive pointed out, “The product is absolutely safe. There has been no incident of anyone falling sick after consuming Maggi Noodles in the 32-year history of our

^f The firm adopted a two-pronged approach. It launched project *Vishwas* (“trust”), an education and marketing initiative covering 190,000 retailers in key states. It also invested \$150 million in imported machinery to revamp its packaging processes. Though the equipment was costlier by 10% to 15%, Cadbury did not raise prices. Cadbury also launched a major public relations campaign and hired Indian film icon Amitabh Bachchan for endorsement.

^g Pesticide levels were found to be high enough to cause cancer and birth defects and to damage the nervous, reproductive, and immune systems.

brand in India.”¹⁰³ Several state test results had also shown Maggi to be safe, raising doubts on the accuracy of the handful of incriminatory test results. Further, none of the countries to which Maggi was exported, including Hong Kong, Singapore, and the U.K., had thus far expressed any concern about the product. Some of the executives opposed to a product withdrawal also noted the media’s ephemeral and shallow interest in the issue: “[T]he media [is] bound to turn its attention to some other big story in the coming weeks,” an executive noted.¹⁰⁴

On the other hand, the presence of glutamate in the Maggi Tastemaker raised ethical questions on Nestlé’s “No added MSG” labeling practices. Nestlé believed that it was adhering to Indian laws. A senior executive explained, “There [is] no guidance against ‘No added MSG’ labeling in Indian law for cases like this. All our competitors [are] deploying similar practices. Our intent with the labeling [is] to highlight to consumers that we [do] not *add* MSG as an ingredient.”¹⁰⁵ Nevertheless, Nestlé did accept that there was a broader ethical question. The executive continued, “When the issue started, we realized that our labeling practices may [be] confusing some consumers. We [understand] why consumers may be concerned. For this reason, we [should] make changes to the label, removing ‘No Added MSG’ from the next production run.”¹⁰⁶ But continued coverage of the matter across media outlets was portraying Nestlé in a bad light. Members of Nestlé senior management lamented, “The issue [has] ballooned beyond rational logic thanks to social media. The reaction [is] spiraling out of control.”¹⁰⁷

Some in India noted that the regulatory focus on Nestlé was disproportionate, given that Indian snack manufacturers and street food vendors were widely known for deploying dubious safety and quality standards. There were insinuations that the investigation might have been instigated by rivals in the marketplace or by an irked bureaucracy.¹⁰⁸ Gowree Gokhale, a leading Indian corporate lawyer not affiliated with Nestlé, suggested that the regulator had overreacted: “The need of the hour is to collaborate with the industry to resolve the issue. The regulator’s job is not to stop business, but rather to help businesses comply with the law.” Gokhale also pointed out inconsistent law enforcement by the FSSAI, with relatively lax standards applied to roadside vendors, compared with much stricter standards applied to packaged food companies.¹⁰⁹ Singhal, the food-science professor, concurred: “Food-safety laws are not enforced consistently. For instance, items that are widely consumed by children, like drinking water and milk, are not tested for pesticides, hormones, and antibiotics.”¹¹⁰ But these observations had not tempered the government- and media-led assaults on Maggi, which in turn continued to hurt consumer sentiment.

A voluntary product withdrawal raised several challenges. The first was the concern that withdrawal would signal that Nestlé was admitting it was in the wrong. Some executives also pointed out that it would be perverse to destroy so much food that the company believed strongly to be safe in a country with so much malnutrition. A senior Nestlé executive stated, “People are dying [of hunger] in the street, and you’re suggesting we burn the product.”¹¹¹ One solution considered was to export the product to jurisdictions that had not raised any concerns about Maggi, although this could bring its own ethical and legal challenges.

Then, there was the sheer complexity of a product withdrawal. While implementing a product withdrawal was possible virtually overnight in developed countries, it was estimated to take at least 40 days in India, given the poor state of infrastructure.¹¹² Furthermore, given that 97% of the retail sector was unorganized, consisting of small family-run stores, a full product withdrawal would be nearly impossible.¹¹³ Supply chain experts estimated that it would be difficult to access 35% to 40% of the total Maggi stock, as millions of retail outlets were selling the snack in rural areas, outside the company’s direct network.¹¹⁴ As Luca Fichera, executive vice president of supply chain at Nestlé

India, put it, “The actual recall of Maggi noodles from the market [would be] an immensely complex and a mammoth activity – the largest in the history of Nestlé.”¹¹⁵

Apart from the complexity of the task, a withdrawal of an estimated 27,420 tons of Maggi Noodles would also be expensive.¹¹⁶ In fact, the volumes of Maggi Noodles that eventually came back from the market would be much larger than this initial estimate. Estimates from Nestlé India suggested that the sales value of Maggi Noodle stock in the market was \$33 million. Additionally, there was inventory of around \$17 million in the factories and distribution centers (see **Exhibit 10** for Maggi Noodle’s distribution).¹¹⁷ A product withdrawal would also involve the additional costs of bringing the stock from the market, transporting the stock to destruction points, hiring additional labor, and destroying the product, which together could exceed \$20 million.¹¹⁸ Beyond these direct costs, the company would experience lost revenues while it reengineered Maggi Noodles. And given that the company disputed the product-safety concerns, it was not even clear what the objective of such reengineering would be. All told, the disruption to Nestlé India from a product withdrawal could exceed 25% of its 2014 revenue.

Ordering a product withdrawal would also bring the dilemma of how to redeploy temporarily the approximately 1,500 Nestlé employees working on Maggi production, distribution, and sales.¹¹⁹ The company would also have to consider the impact on the approximately half-million workers – farmers, contract laborers, suppliers, distributors, and small retailers – that were dependent on Maggi for business.^{h,120} A senior Nestlé India executive voiced the firm’s concern: “The tragedy would be far greater than the immediate financial cost. Collateral damage would hurt our partners along the Maggi supply chain and put many of them out of business.”¹²¹

In early June, as the crisis came to the fore and the team was considering which option to pull the trigger on, Bulcke flew to India. His first inclination was to meet with the relevant officials at the FSSAI. Some members of the local team advised against it, saying it would be very unusual for the CEO of a multinational such as Nestlé to meet directly with regulatory officers. They proposed a meeting with the concerned federal ministers, but the ministers declined. Bulcke and his India team felt a face-to-face meeting with the regulatory officials could yet be helpful. At the meeting, Bulcke emphasized Nestlé’s history in India and its commitment to quality. Then, he wanted to discuss lead-testing protocols to explain why the government labs might have had different results, but he remembered making no progress on this front. He also suggested that Nestlé would drop the “No added MSG” label on Maggi packets, but the regulators said that the company had already violated the law. Bulcke left the meeting without any agreement with the regulators.¹²²

He knew that he and the rest of the Maggi crisis leadership team had to make a decision on the course forward as soon as possible.

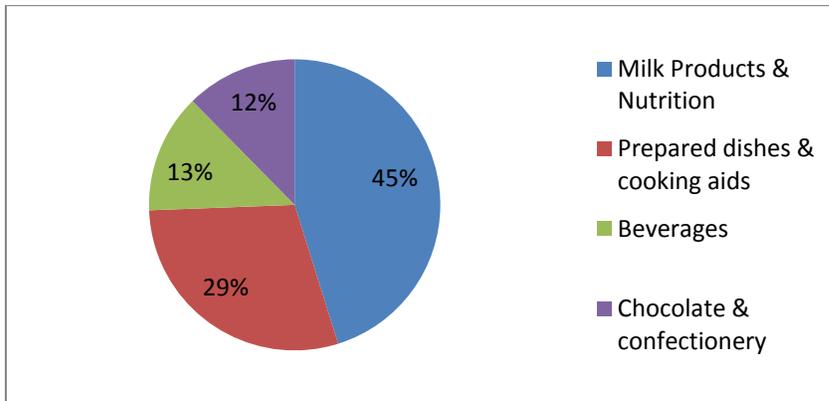
^h According to Nestlé India estimates, a halt in Maggi production would have an impact on the following: 400,000 wheat farmers, 15,000 spice farmers, over 10,000 people employed by 100 suppliers, 3,000 contract laborers, over 400 employees across 38 distribution centers, approximately 3.8 million retail outlets that sold Maggi, and numerous kiosks that sold Maggi around colleges and workplaces.

Exhibit 1 Nestlé’s 10 Principles of Business Operations

Consumers	To enhance the quality of consumers’ lives every day, everywhere by offering tastier and healthier food and beverage choices and encouraging a healthy lifestyle.	Everywhere in the world, the Nestlé name represents a promise to the consumer that the product is safe and of high standard.	We are committed to responsible, reliable consumer communication that empowers consumers to exercise their right to informed choice and promotes healthier diets. We respect consumer privacy.
Human rights and labor practices	We support the United Nations Global Compact’s guiding principles on human rights and labor and aim to provide an example of good human rights and labor practices throughout our business activities.		
Our people	Our success is based on our people. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility. We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement, protect their privacy and do not tolerate any form of harassment or discrimination.	We are committed to preventing accidents, injuries and illness related to work, and to protect employees, contractors and others involved along the value chain.	
Suppliers and customers	We require our suppliers, agents, subcontractors and their employees to demonstrate honesty, integrity and fairness, and to adhere to our non-negotiable standards. In the same way, we are committed to our own customers.	We contribute to improvements in agricultural production, the social and economic status of farmers, rural communities and in production systems to make them more environmentally sustainable.	
The environment	We commit ourselves to environmentally sustainable business practices. At all stages of the product life cycle we strive to use natural resources efficiently, favor the use of sustainably managed renewable resources, and target zero waste.	We are committed to the sustainable use of water and continuous improvement in water management. We recognize that the world faces a growing water challenge and that responsible management of the world’s resources by all water users is an absolute necessity.	

Source: Compiled from Nestlé S.A., “The Nestlé Corporate Business Principles,” Nestlé Global Web site, http://www.Nestlé.com/asset-library/documents/library/documents/corporate_governance/corporate-business-principles-en.pdf, accessed July 2015.

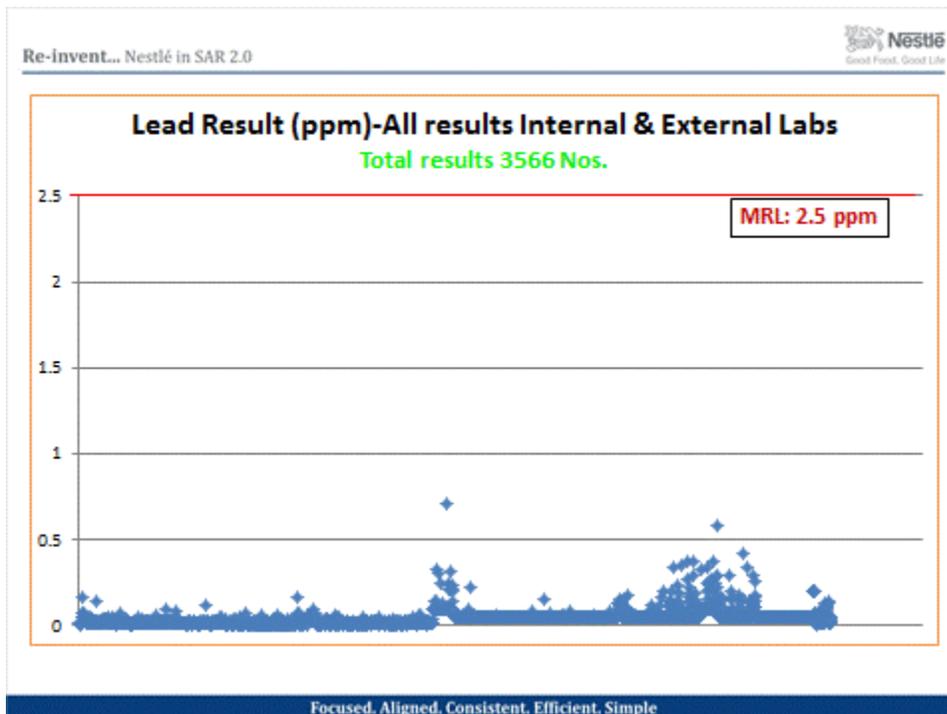
Exhibit 2 Nestlé India Revenues by Category, 2014



Source: Casewriters, based on data from Nestlé India, 2014 Annual Report (Gurgaon: Nestlé India, 2015), p. 58, <https://www.Nestlé.in/investors/stockandfinancials/documents/Nestlé-india-annual-report-2014.pdf>, accessed July 2015.

Note: The “Prepared dishes & cooking aids” category consisted of the Maggi product line in India.

Exhibit 3 Nestlé Internal and Third-Party Tests for Lead in Maggi Noodle Samples, December 2014 to May 2015



Source: Company documents.

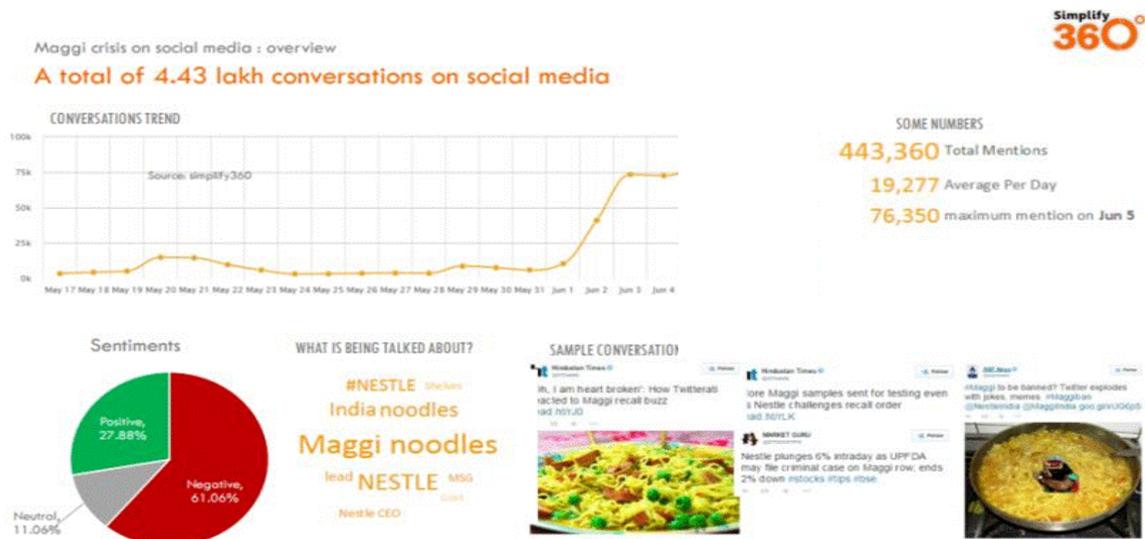
Exhibit 4 States' Test Results on Maggi, through June 5, 2015

State	Lead presence	MSG presence
Uttar Pradesh	17.2 ppm in tested samples	Positive
Karnataka	Negative	Negative
Maharashtra	0.04–1.48 ppm in 9 samples	Negative in 8–10 samples
Kerala	0.07–0.42 ppm in 3 varieties	No information before June 5
Delhi	3.54–4.59 ppm in 10 of 13 samples	Positive in 5 samples
Goa	Negative against 10 ppm limit	Negative
Gujarat	2.8–5.0 ppm in 15 of 29 samples	Positive in all samples
Uttarakhand	Negative	Positive in 2 of 300 samples
Tamil Nadu	5 ppm in tested samples	No information before June 5
West Bengal	Negative in 5 samples	Negative
Madhya Pradesh	Positive	Positive
Bihar	Positive in 16 samples	Positive in 16 samples

Source: Compiled from "What's in My Noodles? Here's What the Tests on Maggi Have Found So Far," *Firstpost India*, June 3, 2015, <http://www.firstpost.com/india/whats-in-my-noodles-heres-what-the-tests-on-maggi-have-found-so-far-2276508.html>; "Maggi Row: Clean Chit from Maharashtra, Goa; No Excess Lead, says Kerala," *Times of India on the Web*, June 3, 2015, <http://timesofindia.indiatimes.com/india/Maggi-row-Clean-chit-from-Maharashtra-Goa-no-excess-lead-says-Kerala/articleshow/47528005.cms>; Shaju Philip, "Lead Within Permissible Limits: Kerala on Maggi Test," *Indian Express on the Web*, June 4, 2015, <http://indianexpress.com/article/india/india-others/lead-within-permissible-limits-kerala-on-maggi-test/>; "Maggi Controversy: Delhi Summons Nestle Officials, Kerala Bans it from State-Run Outlets as Tested Samples Prove Unsafe," *NDTV News*, June 3, 2015, <http://www.ndtv.com/cheat-sheet/maggi-controversy-delhi-summons-nestle-officials-kerala-bans-it-from-state-run-outlets-as-tested-sam-768187>; "After Delhi, Maggi Banned in 4 More States: U'Khand, Gujarat, J&K, TN," *Rediff News*, June 4, 2015, <http://www.rediff.com/news/report/uttarakhand-bans-maggi-noodles-after-2-of-300-samples-fail-test/20150604.htm>; "Maggi Banned in Uttarakhand After Product Fails Lab Tests," *Firstpost India*, June 4, 2015, <http://www.firstpost.com/india/maggi-banned-uttarakhand-product-fails-lab-tests-2278890.html>; J. Sam Daniel Stalin, "Tamil Nadu Bans Maggi, Three Other Noodles Brands for High Lead Content," *NDTV News*, June 4, 2015, <http://www.ndtv.com/tamil-nadu-news/tamil-nadu-bans-maggi-three-other-noodle-brands-for-high-lead-content-768815>; "Nothing Objectionable found in Maggi Noodles in West Bengal: Mamata Banerjee," *CNN IBN News*, June 5, 2015, <http://www.ibnlive.com/news/india/nothing-objectionable-found-in-maggi-noodles-in-west-bengal-mamata-banerjee-1002008.html>; Suchandana Gupta, "Madhya Pradesh bans Maggi Noodles after Lab Test finds MSG," *Times of India on the Web*, June 5, 2015, <http://timesofindia.indiatimes.com/india/Madhya-Pradesh-bans-Maggi-noodles-after-lab-test-finds-MSG/articleshow/47558233.cms>; "Madhya Pradesh, Bihar Ban Sale of Maggi Noodles," *Hindu Business Line on the Web*, June 5, 2015; <http://www.thehindubusinessline.com/news/madhya-pradesh-bihar-ban-sale-of-maggi-noodles/article7285849.ece>; "No MSG, Lead Found in Maggi Samples in Goa and Maharashtra: FDA," *News Nation*, June 3, 2015, <http://www.newsnation.in/article/80644-no-msg-lead-found-maggi-samples-goa-maharashtra.html>; Sagar Dave, "Tests in Kerala Find Lead Content in Maggi Within Permissible Limits," *DNA News*, June 3, 2015, <http://www.dnaindia.com/india/report-tests-in-kerala-find-lead-content-in-maggi-within-permissible-limits-2092069>; Pritha Chatterjee, "Delhi Food Commissioner: 12 of 13 Maggi Samples had too Much Lead, MSG," *Indian Express on the Web*, June 3, 2015, <http://indianexpress.com/article/cities/delhi/12-of-13-maggi-samples-had-too-much-lead-msg/>; "Goa to Test Maggi Noodles Again," *Business Standard on the Web*, June 5, 2015, http://wap.business-standard.com/article/news-ians/goa-to-test-maggi-noodles-again-115060501213_1.html; "Reprieve for Maggi as Maharashtra, Bengal give Clean Chit," *India Today*, June 5, 2015, <http://indiatoday.intoday.in/story/maggi-row-nestle-maharashtra-mamata-banerjee-instant-noodles/1/442514.html>; "Maggi Row: Madhya Pradesh and Bihar Too Ban Sale of Nestlé's Instant Noodles," *Indian Express on the Web*, June 5, 2015, <http://indianexpress.com/article/india/india-others/maggi-row-madhya-pradesh-too-bans-sale-of-nestles-instant-noodles/>; all accessed January 2016.

Note: A positive (negative) reading indicates that the sample tested positive (negative) for lead or MSG presence.

Exhibit 5 Social Media Coverage of the Maggi Crisis



Source: Rimjhim Saikia, "Maggi Crisis – Social Media Glorifies the Ban," June 9, 2015, post on blog "Simplify360," <http://simplify360.com/blog/maggi-crisis-social-media-glorifies-ban/>, accessed July 2015.

Exhibit 6 Examples of Social Media Conversations about Maggi



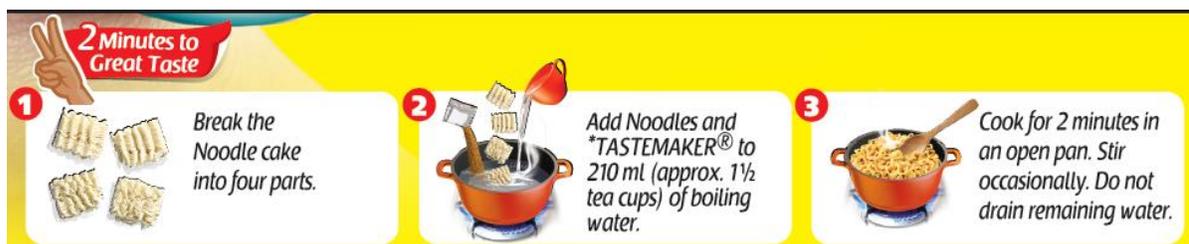
Source: Rimjhim Saikia, "Maggi Crisis – Social Media Glorifies the Ban," June 9, 2015, post on blog "Simplify360," <http://simplify360.com/blog/maggi-crisis-social-media-glorifies-ban/>, accessed July 2015.

Exhibit 7 Timeline of Key Events in the Maggi Noodle Crisis

Mar-14	Maggi samples (February 2014 batch) sent for testing in Uttar Pradesh state laboratory.
Apr-14	Samples tested positive for MSG; Nestlé notified for misbranding of product.
Jul-14	Nestlé refuted test results; samples sent to Kolkata federal food laboratory for retesting.
Apr-15	Kolkata laboratory results tested positive for MSG and above-limit lead presence.
30-Apr-15	UP food-safety authority issued recall order for February 2014 Maggi batch.
21-May-15	Nestlé stated that the February 2014 Maggi batch had already expired and hence had been removed from the market; committed to fresh testing by an external accredited laboratory.
29-May-15	Nestlé stated that Maggi contained naturally occurring glutamate, which tests positive for MSG.
01-Jun-15	Nestlé declared that Maggi samples contained permissible levels of lead. Government ordered states to conduct fresh tests. Initial test results in Karnataka found Maggi safe.
02-Jun-15	Delhi found Maggi unsafe; Kerala banned Maggi from government-run outlets before testing; Bihar court filed FIR against Maggi brand ambassadors.
03-Jun-15	Delhi banned Maggi for 15 days; Kerala, Maharashtra, and Goa found Maggi safe.
04-Jun-15	Gujarat and J&K banned Maggi for one month before testing; Uttarakhand and Tamil Nadu banned Maggi for three months after finding samples unsafe.

Source: Compiled from Arnab Dutta, "UP, Others Fail to Find Lead; Hong Kong Okays Maggi," *Business Standard on the Web*, June 19, 2015, http://wap.business-standard.com/article/companies/up-others-fail-to-find-lead-hong-kong-okays-maggi-115061800908_1.html; "States Fail to Find Lead in Maggi Noodles," *Rediff News*, June 19, 2015, <http://www.rediff.com/business/report/states-fail-to-find-lead-in-maggi-noodles/20150619.htm>; "States Fail to Find Lead in Maggi Noodles," *Northeast Today*, <http://thenortheasttoday.com/states-fail-to-find-lead-in-maggi-noodles/>; "Maggi Row: Madhya Pradesh and Bihar Too Ban Sale of Nestlé's Instant Noodles," *Indian Express on the Web*, June 5, 2015, <http://indianexpress.com/article/india/india-others/maggi-row-madhya-pradesh-too-bans-sale-of-nestles-instant-noodles/>; "Maggi Banned in Mizoram," *Telegraph on the Web*, June 8, 2015, http://www.telegraphindia.com/1150609/jsp/northeast/story_24686.jsp#.VZ9d5ToVipo; Samudra Gupta Kashyap and Adil Akhzer, "Trouble Escalates for Maggi as Four More States Impose Ban," *Indian Express on the Web*, June 5, 2015, <http://indianexpress.com/article/india/india-others/maggi-fails-uttarakhand-test-banned/>; "Meghalaya Government Bans Sale of Maggi," *Web India123*, June 23, 2015, <http://news.webindia123.com/news/Articles/India/20150623/2625213.html>; "Odisha Government Bans Sale of Maggi Noodles in State," *DNA News*, June 8, 2015, <http://www.dnaindia.com/india/report-odisha-government-bans-sale-of-maggi-noodles-in-state-2093728>; "Punjab Bans Maggi Noodles Sale for One Year," *Financial Express on the Web*, June 6, 2015, <http://www.financialexpress.com/article/companies/punjab-bans-maggi-noodles-sale-for-one-year/81273/>; all accessed January 2016.

Exhibit 8 Preparation Directions on Maggi Noodle Packages in India



Source: Company documents.

Exhibit 9 Contents of Maggi Noodles Packages in India: Noodles and Tastemaker Packets



Source: Company documents.

Exhibit 10 Distribution of Maggi Noodle Stock in the Indian Market, June 2015

MAGGI STOCK IN THE MARKET

**WITHIN NESTLE
CONTROL**

FACTORY
1,422 TONS: 5%

**DISTRIBUTION
CENTER**
8,978 TONS: 33%



**OUTSIDE NESTLE
CONTROL**

DISTRIBUTOR
**7,000 TONS:
25%**

MARKET
10,020 TONS: 37%

TOTAL
27,420 TONS

Source: Nestlé India, "About us – Ask Nestlé," Nestlé India Web site, <https://www.Nestlé.in/aboutus/ask-Nestlé/answers/>, accessed July 2015.

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