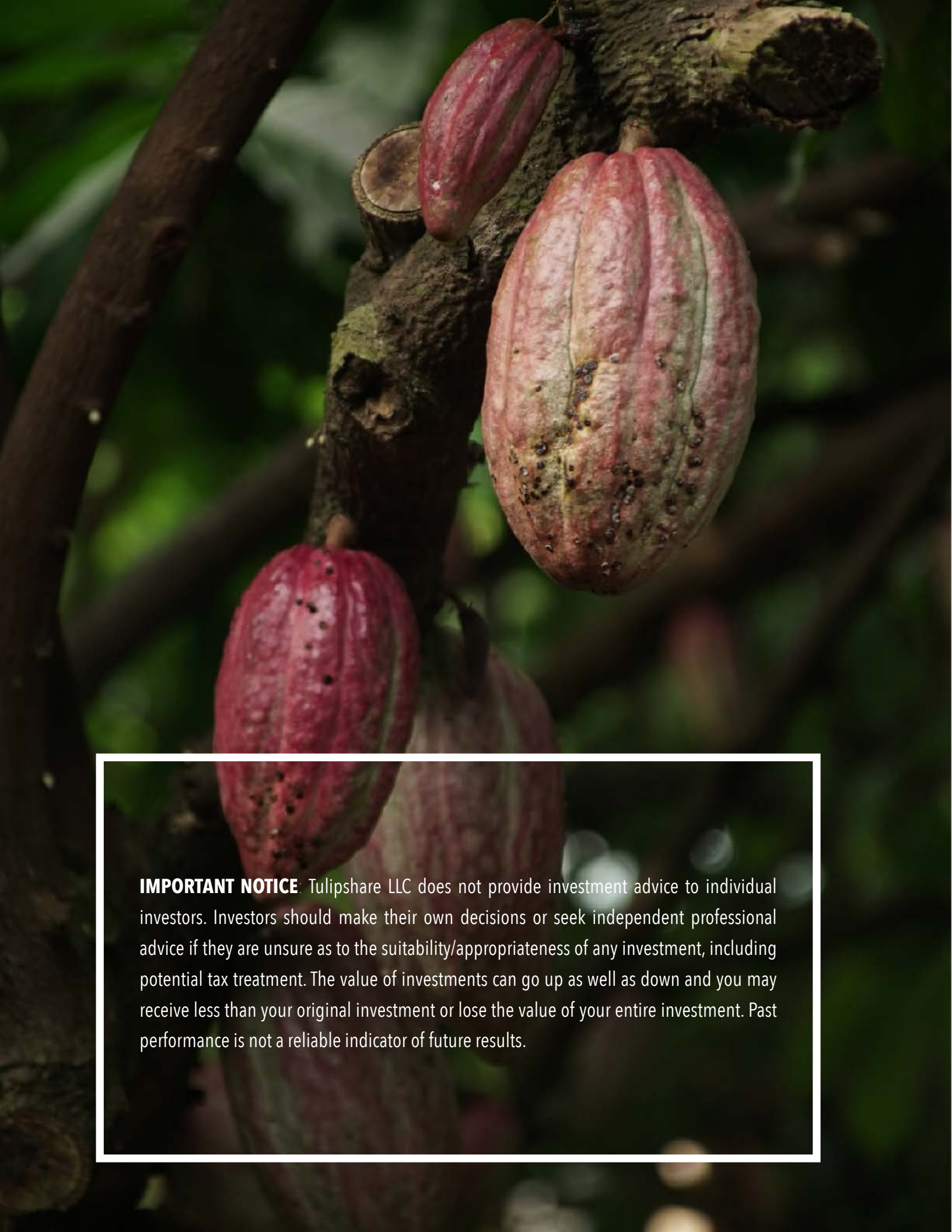


A pair of hands is shown from the bottom, cupping a large amount of dark brown cocoa beans. The background is a dense field of similar cocoa beans, creating a textured, monochromatic effect. The lighting is soft, highlighting the texture of the beans and the skin of the hands.

CHOCOLATEWASHING: The Empty Promises of the Chocolate Industry



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WHO WE ARE:

Tulipshare is at the forefront of reshaping corporate landscapes by championing sustainability and responsible business practices in some of the world's largest companies. Our core strategy revolves around corporate governance-focused engagements, facilitating regular dialogue with companies. With our established track record and expertise, we drive enduring transformations, fostering ethical leadership and sustainable growth for a brighter future. Whether working to improve human capital management strategies, equity in healthcare, diversity in leadership, safety in pharmaceuticals, or human rights in supply chains, Tulipshare is on a never-ending mission to challenge the status quo and ensure the companies that impact our world are keyed-in to the sustainability priorities of investors.

This is no different when it comes to chocolatewashing. With our Director of Stewardship & Engagement at the helm, our team meaningfully engages with stakeholders and major chocolate companies to ensure that the promises made and initiatives set forth are actually accomplishing what they claim to do. This means not only analyzing and discussing the issues, but also thinking outside the box to create cutting-edge solutions. A "win" does not always equate to a majority-backed proposal on a company's proxy statement. Shareholder proposals are a key tool for engagement (especially when companies refuse to come to the table otherwise), but these proposals are non-binding.

While it is incumbent upon companies to respect and adopt majority-backed proposals, they technically *can* choose to ignore them - even if the vote result is 100%. Shocking, but it can happen; and typically that scenario leads to directors being voted out of the board as a consequence of disregarding investor concerns. On the other hand, oftentimes resolutions can be reached whether a proposal is majority-backed or not if companies are persuaded that the solutions proposed would be beneficial to both the sustainability issue at hand and the financial bottom line. This is why Tulipshare's continuous engagements with publicly-traded companies are so crucial to success. By relaying investor concerns and recommendations, and working with companies to solve issues such as child labor in supply chains, resolutions can work for all affected parties.





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FOREWORD:

Unwrapping the Dark Side of Chocolatewashing: A Journey into the Cocoa Industry's Hidden Truths

While visiting Switzerland in the summer of 2022, one of the authors of this report - Tulipshare's Director of Stewardship & Engagement - found it nearly impossible to go a few hours without being offered a piece of delectable Swiss chocolate. Even as she boarded a train to ascend through the awe-inspiring Alpine scenery, a friendly train attendant walked the aisles handing out chocolates packaged in brightly colored wrappers. The rich, velvety flavor melted in her mouth, and as she savored it, a question popped into her mind: "Where did this chocolate come from?" This seemingly innocent curiosity would soon unravel a world of ethical complexities that would forever change her perspective on one of the world's favorite sweet treats.

What started as a simple love for chocolate led her down a path that exposed a harsh reality: the chocolate industry, for all its sweetness, is fraught with the bitter truth of child labor. Initial research painted a grim picture, to say the least. Stories of farmers unable to make a living income and young children working long hours in hazardous conditions on cocoa farms in West Africa were both heartbreaking and infuriating. The more she dug, the clearer it became that this was not an isolated issue but a systemic problem deeply rooted in the cocoa industry.

Determined to understand the extent of these ethical violations, she dove deeper into investigating the cocoa supply chain. She read reports, met with experts, and even spoke to some of the cocoa farmers themselves. What she found was a stark contrast to the glossy, romanticized image of chocolate portrayed in popular culture. Behind the vast majority of popular brand-name chocolate, there was a story of exploitation and hardship that most consumers were unaware of.

One company - the maker of household brands like Oreo, Cadbury, and Toblerone - Mondelez International, caught her attention. With its vast influence in the chocolate market, she wondered what steps it was taking to address these issues. Mondelez had pledged a significant investment of \$1 billion into its Cocoa Life program, aimed at improving the livelihoods of cocoa farmers and addressing human rights violations such as hazardous child labor. However, as a concerned global citizen working for a sustainable investment fund, she questioned the effectiveness of this initiative. Were these efforts truly making a difference, or were they just a form of "chocolatewashing?"

As a responsible investor driven by these questions, she took action. A shareholder proposal was submitted requesting Mondelez report quantitative metrics that would allow investors to assess the real impact of its Cocoa Life program. This proposal was not just about holding the company accountable, but also about empowering other investors to make informed decisions based on transparent and measurable outcomes.

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SUMMARY

It's a harsh reality, but the cocoa industry behind the chocolate we recognize and love is plagued with widespread instances of child labor and slavery. Cocoa is grown primarily in Western Africa and South America, with Côte d'Ivoire and Ghana together producing nearly 60% of the world's cocoa each year alone.¹ The latest estimates by the US Department of Labor found that an alarming 1.56 million children are engaged in child labor- including some in forced child labor - on cocoa farms in these two countries.²

The world's major chocolate companies have been aware of this problem for decades, yet have continued to move the goalpost for eliminating child labor in their supply chains.

In 2001, the world's major chocolate companies including Mars, Hershey, and Nestlé, signed the Harkin-Engel Protocol, pledging to end "the worst forms of child labor" in their cocoa suppliers by 2005.

Yet, this deadline passed without action, and companies then proceeded to miss extended deadlines in 2008 and 2010.³ After missing the 2010 deadline, the industry established a





revised, less ambitious goal – 70 percent reduction in child labor by 2020.⁴

However, the proportion of children aged 5-17 involved in hazardous child labor in the cocoa industry actually increased during that time, jumping from 30% in 2008/2009 to 41% in 2018/2019.⁵

For their latest commitment, companies say they will eliminate the worst forms of child labor in their supply chains by 2025.⁶

Be Slavery Free's analysis of major chocolate companies reveals the upcoming EU Deforestation Regulation (EUDR) is having a tremendous impact on the cocoa sector.⁷ Indeed, the group noted a large spike in traceable cocoa volumes this year. Traceability to country of origin has increased by 27%, to farmer group or community level by 19%, and to farm level by 19%.⁸ Yet, there is more work to be done. Of the major companies which reported data to Be Slavery Free, 59% are still short of EUDR compliance on traceability.⁹ This lack of traceability throughout supply chains leaves companies at risk of chocolatewashing.

THE COCOA PROTOCOL

Despite international agreements and initiatives aimed at eradicating child labor in cocoa supply chains, the need for robust enforcement, comprehensive economic support for farmers, and increased transparency and accountability in supply chains continues to be essential to combat the ongoing fight against child labor in the chocolate industry. The Harkin-Engel Protocol, also known as the Cocoa Protocol, was initiated in 2001 by U.S. Senator Tom Harkin and Representative Eliot Engel. It is a voluntary agreement aimed at eliminating the worst forms of child labor in the cocoa industry, primarily in West Africa.

Originally, the major chocolate companies that signed onto the protocol pledged to eliminate child labor by 2005. When that goal was not met, the deadline was extended to 2008 due to lack of progress. Then in 2008, the deadline was extended yet again to 2010. In 2010, the Framework of Action to Support Implementation of the Harkin-Engel Protocol was established, involving the governments of Côte d'Ivoire and Ghana along with the USDOL, to bolster efforts against child labor. Additionally, the Child Labor Cocoa Coordinating Group (CLCCG) was formed to improve coordination and resource allocation among stakeholders. As of the date of publication of this report, the Harkin-Engel Protocol has not fully achieved its goals. The USDOL estimates that over 1.65 million children are currently working on cocoa farms in Côte d'Ivoire and Ghana alone, and the Geneva Center for Business and Human Rights reports that, though there have been efforts to address the root causes, **the total number of child laborers in cocoa production has been growing.**



REASONS WHY CHILD LABOR PERSISTS IN THE CHOCOLATE INDUSTRY

COMPLEXITY AND LACK OF ENFORCEMENT

1. **Complex Supply Chains:** Cocoa supply chains are intricate, involving multiple intermediaries from farms to chocolate companies. This complexity makes monitoring and enforcement challenging.
2. **Insufficient Local Enforcement:** Local authorities in cocoa-producing countries often lack the resources or political will to enforce labor laws effectively.

ECONOMIC PRESSURES

3. **Poverty:** Smallholder farmers live in poverty, relying on child labor to maintain livelihoods. Without substantial economic support, eliminating child labor is difficult.
4. **Market Pressures:** The demand for cheap cocoa and competitive pricing pressures from large chocolate companies can incentivize cost-cutting measures, including child labor.

Comprehensive solutions to ending child labor in cocoa production require stronger enforcement, increased economic support for farmers, better supply chain transparency, a commitment from all chocolate companies to prioritize ethical practices over cost-cutting and chocolatewashing.

INEFFECTIVE IMPLEMENTATION

5. **Voluntary Nature of Agreements:** Many agreements are voluntary and lack binding enforcement mechanisms. Companies can commit to ethical practices without facing significant consequences for non-compliance.
6. **Inconsistent Standards:** Differing standards and practices among certification bodies and initiatives lead to inconsistent enforcement and accountability.

LACK OF TRANSPARENCY

7. **Insufficient Traceability:** Poor traceability makes it hard to verify the origins of cocoa beans and ensure they are not produced with child labor.
8. **Inadequate Reporting:** Companies often lack comprehensive reporting and transparency in their supply chains, making it difficult to track progress.

REAL-WORLD EXAMPLES OF FAILED EFFORTS

Harkin-Engel Protocol: While it has raised awareness and led to some improvements, it remains a voluntary agreement with limited enforcement power.

Fairtrade Certification: While promoting ethical practices, it covers only a fraction of the global cocoa supply, and compliance varies.

CHOCOLATE IS A BOOMING INDUSTRY



The chocolate industry is ever-growing, with the typical American consuming an estimated 12 lbs of chocolate each year.¹⁰

Indeed, the global cocoa and chocolate market is projected to grow from \$48.29 billion in 2022 to \$67.88 billion by 2029.¹¹

During the COVID-19 pandemic, while other industries struggled and countless businesses closed their doors, the cocoa industry flourished. Hershey's Director of Sweets, Refreshments, Grocery & Snacks stated, "If there's anything we've learned in the last few months from COVID-19, it's that when the going gets tough, we turn to chocolate... Carb therapy, it seems, is a complement to our cocoon."¹²

The company reported between mid-April and mid-May of 2020, cocoa sales were up 126%.¹³

OTHER EFFORTS TO ELIMINATE CHILD LABOR

International Labour Organization (ILO) Conventions

Convention No. 182 (1999): Focuses on the prohibition and elimination of the worst forms of child labor, including slavery, trafficking, and hazardous work. Ratified by 187 countries.

Convention No. 138 (1973): Sets the minimum age for employment. Most countries have ratified it.

Sustainable Development Goals (SDGs)

Goal 8 (2015): Part of the 2030 Agenda for Sustainable Development, adopted by all United Nations Member States. Targets the elimination of child labor by 2025.

United Nations Guiding Principles on Business and Human Rights (2011)

Adopted by the UN Human Rights Council, these principles provide a global standard for preventing and addressing the risk of adverse human rights impacts linked to business activity, including child labor.

Fairtrade Certification

Fairtrade International (1997): Requires compliance with labor standards, including the prohibition of child labor. Major companies like Ben & Jerry's, Green & Black's, and Divine Chocolate are Fairtrade certified.

Cocoa & Forests Initiative

Launched in 2017: A partnership involving the governments of Côte d'Ivoire and Ghana, and major companies like Mars, Nestlé, Hershey, and Mondelez International. Aims to end deforestation and promote sustainable cocoa farming, indirectly addressing child labor through improved livelihoods.

World Cocoa Foundation

Founded in 2000: A non-profit organization promoting sustainable cocoa production and supporting initiatives to eliminate child labor, with members including Barry Callebaut, Cargill, and Olam International.

WHAT IS "CHOCOLATEWASHING?"

Eco-opportunism and greenwashing have significantly undermined the clarity and credibility of sustainability certifications throughout global industries and supply chains, while "chocolatewashing" has similarly allowed major companies throughout the chocolate industry to assert that the cocoa sourced to make their chocolate products is "ethical" or "sustainable" despite a total lack of bean-to-bar traceability. Eco-opportunism refers to the practice of companies exploiting consumer interest in environmental and ethical practices for profit without genuinely committing to these values. Greenwashing involves misleading claims about the environmental benefits of a product or practice. Similarly, **chocolatewashing** is defined as the deceptive practice of marketing cocoa products as sustainable or ethically sourced despite a lack of transparency and traceability necessary to substantiate such claims. Each of these practices has led to widespread skepticism regarding the authenticity of certifications that claim chocolate products are sustainably made.

**59% of the big companies
are still short of EUDR
compliance on traceability**



THE JOURNEY OF COCOA BEANS FROM FARM TO MAJOR CHOCOLATE COMPANIES INVOLVES SEVERAL DETAILED STEPS:

1. **Harvesting:** Cocoa pods are harvested from the cocoa trees by hand, usually with machetes, and opened to extract the cocoa beans.
2. **Fermentation:** The beans are placed in shallow containers, often covered with banana leaves, and left to ferment for several days. This crucial step develops the beans' flavor.
3. **Drying:** After fermentation, the beans are spread out under the sun to dry, reducing their moisture content to around 7%. This typically takes about a week.
4. **Transporting:** The dried beans are bagged and transported to local markets or directly to exporters. Smallholder farmers often rely on cooperatives or traders to sell their beans.
5. **Shipping:** The beans are shipped internationally to chocolate manufacturers. This involves loading the beans onto ships, where they travel to various parts of the world.
6. **Roasting:** Upon arrival at the chocolate factories, the beans are roasted to bring out the chocolate flavor. The temperature and duration of roasting can vary depending on the desired flavor profile.



7. **Cracking and Winnowing:** The roasted beans are cracked open, and the outer shells are removed, leaving the cocoa nibs. This process is known as winnowing.
8. **Grinding:** The nibs are ground into a thick paste called cocoa mass or cocoa liquor. This is the pure, unsweetened form of chocolate.
9. **Pressing:** The cocoa liquor is pressed to separate the cocoa solids from the cocoa butter. Cocoa butter is the fat component used in making chocolate bars and other confections, while the remaining solids are processed into cocoa powder.
10. **Mixing:** Chocolate manufacturers blend cocoa liquor, cocoa butter, sugar, milk, and other ingredients depending on the type of chocolate being produced (dark, milk, or white).
11. **Conching:** This is a refining process where the chocolate mixture is continuously mixed and aerated at a controlled temperature. It helps to develop a smooth texture and enhance the flavor.
12. **Tempering:** The chocolate is then tempered, a controlled process of heating and cooling, to stabilize the cocoa butter crystals. This gives the chocolate a shiny finish and a good snap when broken.
13. **Molding and Packaging:** Finally, the tempered chocolate is poured into molds, cooled, and packaged for distribution.

THE MASS BALANCE APPROACH: A BARRIER TO TRACEABILITY

The “mass balance approach” is a method used by many chocolate companies to manage their supply chains so that they can claim to use “sustainably sourced” cocoa. This approach allows companies to mix certified and non-certified cocoa beans throughout their manufacturing and production processes, so long as the volume of certified cocoa purchased is equivalent to the volume of their products sold as “certified.” In other words, while the final product may not be entirely made from certified cocoa, the company has bought enough certified cocoa to match the amount it sells, allowing for chocolatewashing.

This mass balance approach has a major flaw: companies are not required to track the exact origins of the cocoa beans in the final product. Hence why companies that use a mass balance approach do not have bean-to-bar traceability. Consequently, consumers cannot be sure if 100% (if any at all) of the cocoa in their specific chocolate bar is from certified sources or from farms employing child labor or other unethical practices. Companies can exploit a mass balance approach to make sustainability claims without improving their sourcing practices - giving the false impression of broader, better sustainability efforts than those that are *actually* in place.

“Certified” chocolate products deriving from cocoa beans in a supply chains relying on a mass balance approach have been chocolatewashed. Companies that rely entirely on a mass balance approach include Mondelez and Mars. Nestlé, Lindt, Hershey, and Ferrero have mixed approaches and are working towards better traceability and sustainability. While they have initiatives aimed at increasing the proportion of fully traceable cocoa, they often still rely on the mass balance approach for a part of their supply chains. These companies have made various commitments to improve traceability and reduce child labor, but the extent to which they have fully segregated supply chains varies. Whereas Tony's Chocolonely is known for its commitment to a fully traceable supply chain. They ensure that their cocoa is segregated from the farm to the final product, allowing them to guarantee that their chocolate is free from child labor and sourced sustainably. This traceability supports their mission to make 100% slave-free chocolate. Ritter Sport has implemented fully traceable supply chains for a significant portion of their cocoa. They emphasize direct relationships with farmers and cooperatives, which helps ensure that the cocoa is sourced sustainably and free from child labor.

OVERVIEW OF COCOA PRODUCTION PRACTICES

The cocoa sector provides a livelihood for roughly 50 million people, primarily in developing countries; not all of them grow cocoa, but most convert the beans into cocoa liquor, butter, or powder for use in cosmetics, chocolate, and other edibles.¹⁴ Propping up the livelihoods of between 40 and 50 million people are the cocoa farmers – about 5 to 6 million farmers in total, 90% of them cultivating cocoa on no more than 5 hectares.¹⁵ Cocoa plants primarily grow in West Africa – responsible for 70% of annual cocoa production,¹⁶ with Côte d'Ivoire and Ghana alone producing nearly 60% of the world's cocoa each year,¹⁷ as well as in South America, Latin America,¹⁸ and Asia.¹⁹

**1 hectare = 2.471 acres or
10,000 square meters**

The cocoa sector consists of a hazardous industry that requires intensive labor – such as knocking cocoa pods from trees with crude weapons, opening cocoa pods with machetes, carrying heavy sacks of cocoa beans for long distances, and handling harmful chemicals.²⁰

Alarming, the grueling labor that goes into producing many of the chocolate candies we recognize and love is often performed by children.



Estimates by the U.S. Department of Labor (USDOL) show that **43%** of children working on cocoa farms are involved in **hazardous child labor**, what the International Labour Organization (ILO) has deemed the worst form of child labor.²¹ Hazardous child labor consists of practices "likely to harm the health, safety, or morals of children" and includes the use of "hazardous tools" and any work that "interferes with schooling."²² Hazardous child labor practices include agro-chemical exposure, lifting heavy loads, burning fields, and using sharp tools.²³

Some of the children exposed to hazardous child labor on cocoa farms are **as young as five years old**, and some work **between 80 and 100 hours a week**.²⁴

LOCATIONS OF CONCERN

The companies included in this report all source their cocoa from West Africa, an area with heavy concentrations of child labor. Without close monitoring of the practices on these farms, these companies are left exposed to the host of risks linked with child labor. The latest estimates suggest that **1.56 million children are engaged in child labor on cocoa farms in Côte d'Ivoire and Ghana alone.**²⁵ Moreover, Slave Free Chocolate reports that, despite numerous corporate initiatives pledging to solve the problem, none of the chocolate companies profiting from child and slave labor have produced meaningful progress towards eradication of violation of human rights.²⁶



ROOT CAUSES OF CHILD LABOR

When addressing the issue of child labor throughout the cocoa supply chain, companies must take a holistic approach, as there are many underlying root causes of child labor, including: poverty, lack of access to education, and gender inequality. Therefore, to implement an effective child labor remediation strategy, companies must make an effort to address each piece of this puzzle.

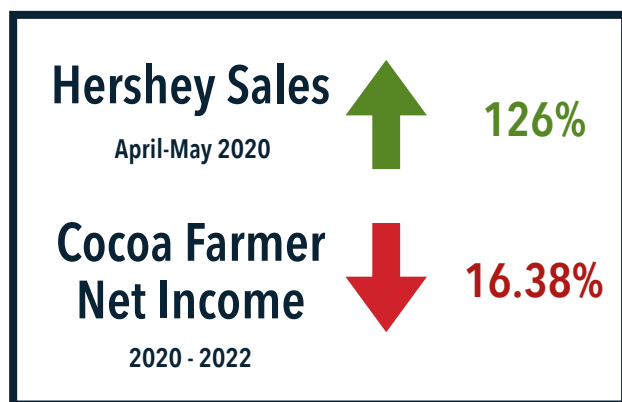
LACK OF LIVING INCOME IN THE COCOA INDUSTRY

Poverty is a core driver of child labor. The children of Western Africa are surrounded by intense poverty, and many begin working at a young age to help support their families.²⁷ It is estimated that about **87% of cocoa-growing households in Côte d'Ivoire earn below a living income**, with most cocoa farmers earning less than \$2 a day.²⁸

Thus, in order to fully address child labor, companies must make a commitment to ensure workers in their supply chains are paid a living income.

Most cocoa farmers earn less than \$2 a day

Of the 63 respondent chocolate companies assessed in Be Slavery Free's most recent Chocolate Scorecard, a majority of companies recognize a living income as a basic human right (83%) – yet, only six companies are paying 100% of their farmers a Living Income Reference Price.²⁹ Further, a review of 1500 farmer income programs showed only three were found to result in a slight increase in farmer income, and none of the programs achieved the intended result of increasing cocoa productivity and subsequently impacting farmer livelihoods at scale.³⁰



Despite companies' statements of support for living income, during and after the COVID-19 pandemic workers' incomes decreased even further.

An Oxfam study shows 90% of cocoa farmers surveyed were worse off in 2022 than in 2020, with a net income decrease of an estimated 16.38%.³¹ Average net income declines were more pronounced for women farmers (21.44% versus 14.15% for men).³²

While workers' wages decreased, the chocolate industry actually boomed during the pandemic.

For instance, Hershey reported between mid-April and mid-May of 2020, cocoa sales were up 126%.³³

The cocoa market has experienced record-breaking growth in global supply over the last decade, but the International Institute for Sustainable Development (IISD) projects that – due to the COVID-19 pandemic, political and economic unrest, low farm gate prices, and difficult agricultural conditions – cocoa supplies are expected to reduce significantly in the coming years.³⁴ Climate change is also disrupting the global cocoa value chain as regions in major producing countries become less suitable due to high temperatures or severe droughts, with West Africa already experiencing a 5.5% drop in cocoa production from 2018 to 2019.

Even though global cocoa production grew from 4.27 million metric tons (MT) in 2009 to 5.76 MT in 2020, high volatility and price drops in the international market cause uncertainty for farmers' incomes and also create risk across the cocoa value chain. Since farmers cannot influence market prices, nor can they adapt their supply to price fluctuation, they bear the greatest burden among value chain actors in the short term, while contemporaneously facing the worst impacts of climate change and rising production costs.



Voluntary sustainability standards (VSSs) emerged in the cocoa sector over 20 years ago, providing consumers with more sustainable cocoa purchasing options, offering some protection from international price drops and swings, and allowing VSS-compliant farmers to obtain up to 30% higher prices than those growing conventional cocoa. However, VSSs' effectiveness is limited by power imbalances along the value chain, global supply and demand dynamics, and the influence of cocoa's future prices on the current cocoa economy.

In fact, even with government intervention via *mandatory* minimums on cocoa prices, the farmers are not reaping the same benefits as the chocolate companies. For example, Côte d'Ivoire, the world's largest cocoa-exporting country, announced in March 2024 that its cocoa farmers will finally benefit from sky-high market prices, receiving 50% more for cocoa for the rest of the season, but the situation is not as sweet as it sounds.³⁵ The government in Côte d'Ivoire sets a minimum cocoa price at the beginning of each season, offering farmers stability while market prices go down and up (and down again).³⁶ Then halfway through the season, this national farmgate price is reassessed for the remaining months. On April 2, 2024, it jumped to about €2,287 per MT, actually matching the Living Income Reference Price (LIRP).³⁷ But, the reason for the jump in prices is due to the cocoa supply being shockingly low from the negative effects of climate change. Since farmers have been structurally underpaid for decades – forcing them to live in poverty and leaving them unable to invest in the maintenance of their farms – even though they're getting more money, they're selling less cocoa. Which

means this doesn't automatically translate into higher profits and it's still impossible for millions of cocoa farmers in Côte d'Ivoire to earn a living income.

LACK OF ACCESS TO EDUCATION

An additional contributing factor to child labor is a lack of access to education. When children lack access to quality and free education, many are forced into work, which can trap children in a vicious cycle of poverty and exploitation.³⁸ Further, schools provide children with fundamental nutrition through school lunches. Without this food source, household food insecurity and financial strain are intensified.³⁹

Companies with goals to eliminate child labor in their supply chains must, therefore, have a focus on expanding access to education in areas in which their suppliers are based. This is a key piece of the puzzle to ending the cycle of child labor and poverty.





WOMEN'S EMPOWERMENT

Gender inequality is a persistent issue throughout the cocoa industry. In West Africa, women do nearly half of the labor on cocoa farms but own just a quarter of the land.⁴⁰ Further, when you also include time spent on household and other non-farm tasks, women's working hours exceed those of men by nearly 30%.⁴¹ According to Fairtrade, despite these long hours, **the average female cocoa farmer is paid as little as 23p a day**, while the average farmer pay rate is 75p a day, highlighting a gender pay gap in the global chocolate industry.⁴²

While improving education access overall is an essential step to reducing child labor, the importance of access to education for women and girls in particular cannot be understated. Evidence shows that when women are educated, their children are less likely to be involved in child labor and hazardous work.⁴³ Further, as women become financially literate and are encouraged to become entrepreneurs, disposable income earned generally goes towards their children's education.⁴⁴

Further, evidence from the International Cocoa Initiative suggests that, when involved in Community Child Protection Committees, women can drive change in their communities and bring others on board in the fight against child labor.⁴⁵

Similarly, when women are employed as community facilitators in Child Labour Monitoring and Remediation Systems, analysis has shown that their inclusion can benefit the identification of child labor cases.⁴⁶

Thus, it is vital that, when addressing child labor in their supply chains, companies confront gender issues in cocoa communities and encourage women's education and entrepreneurship. When companies take a proactive role in empowering women, the impact is resounding.



RISKS OF CHILD LABOR IN COCOA PRODUCTION

LEGAL & REGULATORY, FINANCIAL, AND REPUTATIONAL RISKS

The world's six largest chocolate companies use roughly 1.7 million MT of cocoa for their final products.⁴⁷ The cocoa liquor and butter used to create the confectionary treats the world's consumers crave start out as cocoa beans, primarily grown by smallholder farmers. A smallholder cocoa farmer cultivates cocoa on a small-scale, typically managing land sizes of 2 to 4 hectares.⁴⁸ These farmers often rely heavily on family labor and traditional farming methods. They form the backbone of the cocoa industry, especially in major producing regions like West Africa. These farmers usually face challenges such as low income, lack of access to resources, and vulnerability to market fluctuations and environmental changes. Without proper resources and living incomes for farmers, children become engaged in hazardous child labor on cocoa farms to make up the difference.

The major chocolate companies identified in this report face substantial legal, regulatory, financial, and reputational risks due to child labor in their supply chains. Child labor in supply chains, in turn, is a significant human rights issue and the children involved face major health risks. The more we unwrap the supply chains of these enormously profitable companies, the more apparent it becomes that without proper corporate action - including adoption of a fully traceable supply chains - children will continue to labor in hazardous conditions to meet the world's ever-growing demand for chocolate. Addressing these issues requires significant investment and commitment to ethical practices, driven by regulatory requirements, consumer expectations, stakeholder engagement, and investor pressure.

LEGAL & REGULATORY RISKS

New regulations, particularly from the European Union, require companies to ensure their supply chains are free from human rights abuses like child labor and environmental harm. The EU's Regulation on deforestation-free products (EUDR)⁴⁹ is a law enacted by the EU to prevent the placing of specific commodities or products linked with deforestation and forest degradation onto the EU market or exporting them from the EU. This law applies to both cocoa and chocolate. While the EU's Corporate Sustainability Due Diligence Directive (CS3D) specifically calls out forced labor, child labor, climate impact, and environmental pollution, and names industries, such as the chocolate industry, that are at high risk. Since



the CS3D has been ratified as of May 24, 2024, the entire cocoa supply chain will have to come to terms with tougher rules that emphasize a greater level of transparency.⁵⁰ The CS3D directly targets larger-scale chocolate makers like those addressed in this report, forcing them to maximize traceability and conduct proper human rights due diligence (HRDD) across their entire supply chains to achieve minimum non-compliance risk, while also indirectly affecting smaller companies via their relationships with larger ones.⁵¹ Yet another EU regulation chocolate companies with child labor in their supply chain will be the new Forced Labor Regulation, which similarly prohibits the sale, import and export of goods made using forced labor.⁵²

Failure to comply with these regulations can lead to substantial

finances and lawsuits from regulatory bodies, NGOs, and potentially class actions from affected communities or consumers. The EU's Deforestation and Human Rights Due Diligence Regulations are

prime examples of companies being compelled to improve their practices. Similarly, the US Department of Labor lists cocoa from Côte d'Ivoire and Ghana on its List of Goods Produced by Child Labor or Forced Labor, which increases scrutiny and regulatory pressure on companies sourcing cocoa from these regions.

Companies failing to comply with international labor standards may face import bans and other sanctions.

Additional legal risks could materialize via breaches in contractual agreements with both buyers and suppliers, injunctions or trade restrictions on the exportation of goods to the EU, increased legal exposure associated with continuing to source from high-risk jurisdictions (like Côte d'Ivoire and Ghana), delays in trade negotiations between the EU and countries like Brazil and Indonesia - leading to uncertainty and potential breaches of existing agreements or planned expansions.

FINANCIAL RISKS

Implementing robust monitoring and remediation programs to address child labor involves significant investment.⁵³ Companies that fail to address these issues may face disruptions in their supply chains, leading to higher costs and potential loss of supply sources due to non-compliance with international standards. More specifically, operational costs facing chocolate companies failing to meet the compliance requirements of the EUDR and the CS3D will include: 1) robust monitoring systems to trace the origins of their cocoa and ensure compliance with both EUDR and CS3D requirements; 2) additional resources will be required for thorough documentation and regular reporting to demonstrate compliance with these regulations; and 3) increased inspections by EU customs authorities will necessitate better preparation and longer processing times, further adding to operational costs.

Chocolate companies sourcing from Côte d'Ivoire and Ghana - where child labor remains prevalent - are expected to reconfigure global supply chains for deforestation-linked commodities under the EUDR and the CS3D.⁵⁴ Continuing to source from these high-risk countries will require investment in traceability and sustainability initiatives to ensure compliance and maintain their supply chain relationships. But high-risk labeling for export can restrict market access to the EU, compelling companies to look for alternative markets, possibly reducing their EU market share.⁵⁵ On the other hand, if chocolate companies are unwilling to make such investments, they might be forced to switch to suppliers from low-risk jurisdictions, potentially also leading to higher costs or supply



disruptions. These financial risks can make products less competitive, but so too can the perception of *not doing enough* to combat child labor, causing consumers to shift brands with better ethical records. Chocolate companies found to have child labor in their supply chains face compounded exposure to legal costs related to human rights abuses, substantial fines, and operational costs under these EU regulations. This financial and legal exposure in turn will impact a company's reputation.

REPUTATIONAL RISKS: PUBLIC SCRUTINY & ACTIVISM

Noncompliance with the EUDR and CS3D due to child labor in supply chains can result in legal risks and substantial fines, but the greater risk lies in the reputational damage. Companies found in violation will likely be publicly named and shamed. This can lead to significant negative media coverage, loss of consumer trust,

and boycotts. The financial penalties are substantial, but the damage to a company's brand and public perception can be even more costly in the long run. Negative media coverage and activist campaigns can harm a company's brand image, leading to decreased consumer trust and loyalty. This reputational damage can have long-term impacts on a company's market position. CBS News found children in Ghana as young as 5 years old using machetes nearly as big as themselves to harvest the cocoa beans that end up in some of America's most-loved chocolates - in this case, Mars.⁵⁶ Field supervisors from small subsistence farms regularly lied on their paperwork, saying children were attending school rather than working in cocoa fields, and alleged the companies never tried to verify that information.⁵⁷ A cocoa field supervisor who spoke to CBS News on the condition of anonymity said "almost every data" point used to make up the paperwork consisting of children listed to be attending school "is cooked... or is not accurate," adding that he had personally "made up lists before." Other supervisors went on to say that they were pressured to provide names, often with only 24 hours' notice, and he said the companies never verify the information.



CBS News spoke with nearly a dozen children whose names were on those lists. None of them were in school, and none of them had been regularly monitored to ensure they were attending classes.⁵⁸ Another example is General Mills, which has repeatedly avoided participation in transparency initiatives. Consumers increasingly demand transparency, and failure to provide it can lead to lasting brand damage; repeated failure to disclose steps taken to address human rights concerns holds a much heavier weight in today's interconnected world.

Companies like Tony's Chocolonely and Ritter Sport, which are recognized for their strong ethical practices, set a high bar for the industry. Companies that fail to meet these standards risk being left behind in a market that increasingly values transparency and responsibility.

EXISTING COMPANY COMMITMENTS AND REPORTING

Each of the major chocolate companies has in some way committed to responsible cocoa sourcing. In 2001, the world's major chocolate companies including Mars, Hershey, and Nestlé, signed the Harkin-Engel Protocol, pledging to end "the worst forms of child labor" in their cocoa suppliers by 2005⁵⁹. While many companies recognize a living income as a basic human right, the 2024 Chocolate Scorecard shows that only a few are paying their farmers a living wage.⁶⁰ Company efforts to combat child labor include monitoring programs and partnerships with certification schemes, but these efforts are often not comprehensive enough and are lacking in transparency, leaving significant portions of the supply chain unaddressed.

Each company examined in this report has its own sustainable cocoa initiative. For instance, Mars has its Protecting Children Action Plan, Hershey's initiative is Cocoa for Good, and Mondelez promotes its Cocoa Life program.⁶¹

Research into some of the major chocolate companies' commitments, however, highlights a lack of traceability throughout supply chains along with little to no time bound commitments for companies' stated goals, leaving these companies at risk of "chocolatewashing." Reporting limited metrics and continually moving the goalpost to eliminate child labor has proven ineffective for these companies, as many still have ties to child labor throughout their supply chain.



MONDELĒZ

Launched in 2012, *Cocoa Life* is Mondelēz International's global cocoa sustainability program. Through the program, the company has committed to a total investment of **\$1 billion by 2030**, with the goal to increase cocoa volume at scale and work with about 300,000 farmers in the program by 2030.⁶²

The company states its goal is to have all of their brands' cocoa sourced through Cocoa Life by 2025.⁶³

Major Goals of Cocoa Life:

- ▶ Have all Cocoa Life communities in Ghana, Cote D'Ivoire and Nigeria covered by Child Labor Monitoring and Remediation Systems (CLMRS) by 2025.⁶⁴
 - ▶ Progress in 2023: 75%⁶⁵
- ▶ 100% cocoa volume for chocolate brands sourced through Cocoa Life by 2025.
 - ▶ Progress in 2023: 85%⁶⁶
- ▶ 100% of manufacturing sites completed a Sedex Members Ethical Trade Audit (SMETA audit) within the past 3 years by 2025
 - ▶ Progress in 2023: 91%⁶⁷
- ▶ 100% of prioritized supplier sites completed a SMETA audit within the past 3 years by 2025
 - ▶ Progress in 2023: 90%⁶⁸

MONDELĒZ'S COMMITMENT TO LIVING INCOME

Research of Mondelēz's Cocoa Life program indicates the company currently has no time bound goal or targets to ensure a living income in its supply chain, though the company has published a news release on its own website titled "Company demonstrates continued commitment to pay all its employees a living wage."⁶⁹ The company reports no metrics indicating progress towards achieving a living income throughout its supply chain.

MONDELĒZ'S COMMITMENT TO WOMEN'S EMPOWERMENT

Mondelēz states its approach to preventing child labor includes "helping to empower women."⁷⁰ In 2014, the company launched women's empowerment action plans in Ghana and Côte d'Ivoire. The company states "the plans focus on promoting women's empowerment across five focus areas: farming, community, youth, livelihoods and environment. Women's empowerment plans are tailored according to local needs and supported by a change methodology that links resources, activities, outcomes and ultimate impact."⁷¹

For instance, in the company's Côte d'Ivoire women's empowerment action plan, the company notes its "community" focus area objective is to "include women in decision-making processes."⁷² The company's outlined actions to achieve this objective include promoting leadership positions for women as part of the Community Development Committees and Community Action Plan processes and including a floor of 30% (at least) for women in the process.⁷³

MONDELĒZ'S ACTION ON EDUCATION

Mondelēz recognizes that lack of access to quality education is an underlying cause of child labor.⁷⁴ The company is a part of the Child Learning and Education Facility (CLEF), a collaboration between the Jacobs Foundation, the UBS Optimus Foundation, the Ivorian government and the broader cocoa sector.⁷⁵ The collaboration aims to reach ~5 million children in cocoa-growing areas and beyond with a focus on access to quality primary education.⁷⁶ The company has noted it also seeks to support the development of a similar initiative in Ghana.⁷⁷

MISALIGNMENT OF POLICIES

Mondelēz consistently scores the lowest among its competitors Hershey, Nestlé, Ferrero, Mars and Lindt on Be Slavery Free's Chocolate Scorecard.⁷⁸

A fundamental gap in Mondelēz's child labor strategy is the company's lack of commitment to living income. Poverty is a root cause of child labor. Without a commitment to paying all workers a living income, child labor cannot effectively be eliminated throughout a company's supply chain.

Further, the company lacks traceability in its supply chain as it utilizes a mass balance approach.

MONDELEZ USES A MASS BALANCE APPROACH:

Mondelēz states its goals and reported information for cocoa volume sourced are "based on a mass balance approach, which means that the equivalent volume of cocoa needed for the products sold under [its] chocolate brands is sourced from the Cocoa Life program."⁷⁹

What this means is that, while Mondelēz may state its chocolate is "100% sustainably sourced," the shipping and manufacturing processes used allows certified and non-certified cocoa to be mixed. Therefore,

Mondelēz's finished "sustainable" product does not necessarily contain 100% sustainably sourced cocoa.

Using a mass balance approach, Mondelēz loses critical traceability for the cocoa in its products when non-certified cocoa is mixed into processing. As recently as January of 2024, a class action lawsuit for false advertising was filed against Mondelēz: *Van Meter v. Mondelēz International, Inc.*, alleging that the company misled consumers by marketing its cocoa-based products, such as Oreo cookies, as "sustainable" despite benefitting from a cocoa supply chain involving child and slave labor, and environmental degradation - contrary to its sustainability claims. This lawsuit essentially provides investors and consumers alike the ability to watch the legal risks of a mass balance approach play out in real-time, as both the company and the opposition present their arguments over whether or not the use of this method equates to chocolatewashing.

INVESTOR ENGAGEMENT WITH MONDELEZ

Investors in Mondelez recognize the risks posed to the company by chocolatewashing. This year, for the second year in a row, Tulipshare submitted a shareholder proposal to Mondelez requesting that the company's Board of Directors adopt targets and publicly report quantitative metrics appropriate to assessing whether Mondelez is on course to eradicate child labor in all forms from the Company's cocoa supply chain by 2025. Metrics suggested by Tulipshare included: current estimates of the total numbers of children in its supply chain on a regional basis, working in hazardous jobs, working during school hours, and employed after school hours.⁸⁰ Tulipshare's proposal garnered 22.4% support from shareholders in 2024 - a significant level of support that most asset managers and proxy advisory firms believe should result in meaningful board action. However, despite investors expressing these valid concerns, Mondelez has yet to report on these metrics.



HERSHEY

Hershey states plainly in its 2022 ESG Report, "Cocoa remains our highest ESG priority."⁸¹ In 2018, Hershey launched its Cocoa for Good strategy, which aims to **invest \$500 million by 2030** to "improve income resiliency and livelihoods, prioritize children's well-being, and protect the environment."⁸²

Major Goals of Cocoa for Good:

- ▶ 100% sourcing visibility of cocoa volume originating from Côte d'Ivoire and Ghana by 2025.
 - ▶ Progress: Currently at 89%⁸³
- ▶ 100% of farmers producing Hershey's cocoa volume in Côte d'Ivoire and Ghana are covered by Child Labor Monitoring and Remediation Systems (CLMRS) to prevent, monitor and remediate child labor.
 - ▶ Progress: 79%⁸⁴
- ▶ Invest \$500 million by 2030 to "improve income resiliency and livelihoods, prioritize children's well-being, and protect the environment."
 - ▶ Progress as of December 2023: 51% of its \$500 million commitment⁸⁵

HERSHEY'S COMMITMENT TO LIVING INCOME

Hershey states it is "deeply committed to creating a cocoa supply chain where cocoa farmers have the possibility to earn a living income."⁸⁶

To address the issue of living income in the cocoa supply chain, Hershey has a program which it calls its "Income Accelerator." The Income Accelerator "is a five-year program that is being implemented in partnership with Rainforest Alliance and CARE and is focused on two strategies: the provision of cash transfers to supplement farmer income, and investment in VSLAs (village savings and loan associations)."⁸⁷

In addition to their Income Accelerator, Hershey also states they take the following measures to support living income in cocoa:

- Continuing to support the Living Income Differential (LID) established by the governments of Côte d'Ivoire and Ghana and requiring suppliers to comply with paying the LID.⁸⁸
- Maintaining commitments to 100% independently verified cocoa and paying premiums to farmer groups and farmers who successfully meet internationally recognized environmental and labor standards.⁸⁹
- Through the Côte d'Ivoire-Ghana Cocoa Initiative (CIGCI), joining peers in signing the Joint Statement of Intent, a commitment to accelerate the move towards living income and long-term sustainability for cocoa.⁹⁰

Despite these efforts, however, the company has not disclosed any time bound commitment to pay farmers and laborers in its cocoa supply chain a living income.

HERSHEY'S COMMITMENT TO WOMEN'S EMPOWERMENT:

The company states its Village Savings and Loan Associations "serve...as a vehicle for empowering women in communities."⁹¹ Hershey currently directly supports more than 350 VSLAs with more than 10,000 members, 77% of whom are women.⁹² Initial research suggests, however, the company has

not set specific targets or commitments regarding women's empowerment.

HERSHEY'S COMMITMENT TO EDUCATION:

Improving access to education is paramount to proactively combating child labor.

Regarding Hershey's actions to improve access to education, the company writes:

"We focus significant resources and effort on making it easier for children to access and continue their education, such as by improving education infrastructure, training school-parent management committees, providing school kits filled with important school supplies, distributing ViVi (a vitamin fortified, peanut-based, ready-to-use therapeutic food) to schoolchildren and helping children and youth obtain birth certificates for school enrollment."⁹³

MISALIGNMENT OF POLICIES:

A 2022 shareholder proposal filed by the American Baptist Home Mission Society explained, "While Hershey indicates it met its goal to source 100% 'certified and sustainable' cocoa in 2020, this does not guarantee that its cocoa is slavery-free nor that it is fully traceable to the farm level."⁹⁴ Hershey also makes misleading and dangerous claims about 'appropriate' child work on 'family farms,' contradicting international frameworks to end child labor in all forms.⁹⁵⁹⁶

Regarding living income, In its 2024 shareholder proposal to the company, Investor Advocates for Social Justice stated, "Notably absent from Hershey's strategy is increasing farmgate prices; price interventions play a 'key role in shifting value to farmers and enabling higher incomes.'⁹⁷ Hershey's strategy fails to apply a gender equity approach to address particular challenges women cocoa farmers face in cocoa-income-generating activities."⁹⁸

Further, although Hershey has a Living Wage & Income Position Statement, it makes no commitment to ensuring cocoa farmers earn a living income. The position statement has been criticized for lacking a "concrete, time bound commitment and accompanying action plan..."⁹⁹

The company touts its Income Accelerator, "a multi-faceted approach focused on providing cash

transfers, encouraging sustainable farm management practices, building primary schools in cocoa-growing communities and establishing additional village savings and loan associations (VSLAs).¹⁰⁰

However, the company's initiative has been criticized for being "ineffective at ensuring cocoa farmers receive a living income" and actually undermining the goal.¹⁰¹

For example, Hershey was accused of undermining Ghana and Côte d'Ivoire's recently implemented Living Income Differentials through purchasing practices aimed at circumventing it.¹⁰²

Hershey's 2022 ESG Report notes "research highlights that wage and income vulnerabilities exist in multiple parts of [its] supply chain."¹⁰³ 85% of the Cocoa For Good farming families in Côte d'Ivoire and 76% in Ghana earn below the Living Income benchmark, with 35% and 39% of Cocoa for Good families falling below the World Bank extreme poverty line in Côte d'Ivoire and Ghana, respectively.¹⁰⁴

Further, the company lacks traceability in its supply chain, as the company utilizes the mass balance approach to its sourcing.¹⁰⁵ Meaning, the shipping and manufacturing processes used by Hershey allows certified and non-certified cocoa to be mixed.

INVESTOR ENGAGEMENT WITH HERSHEY

Investors recognize the risk chocolatewashing presents to Hershey, and have engaged with the company on issues of both child labor and living income.

IASJ 2022/2023 Proposal

In 2022 and 2023, Investor Advocates for Social Justice (IASJ) submitted a proposal to Hershey requesting a public report describing if, and how, Hershey's living wage position statement and planned implementation steps will put the company on course to eradicate child labor in all forms from the company's West African cocoa supply chain by 2025.¹⁰⁶

IASJ 2024 Proposal

This year, IASJ submitted a proposal to Hershey requesting a third-party assessment that produces recommendations for achieving a living income for cocoa farmers in Hershey's West African supply chain, beyond legal and regulatory matters.¹⁰⁷

WHAT THEY'RE GETTING RIGHT:

Hershey scored 3rd out of 38 companies surveyed in the Child/forced Labor category on Be Slavery Free's Chocolate Scorecard, earning a score of "Leading in Policy and Practice."¹⁰⁸



NESTLÉ

In 2012, Nestlé initiated a Child Labor Monitoring and Remediation System, the first of its kind to address child labor risk in the cocoa supply chain. Nestlé made this system available for peer companies, and it is now widely used throughout the cocoa industry.¹⁰⁹

The Nestlé Cocoa Plan, launched in 2009, is Nestlé's approach to improving sustainability in its cocoa supply, as well as improving conditions in cocoa communities.

Major Goals of the Nestlé Cocoa Plan:

- ▶ Source 100% of cocoa volumes from the Nestlé Cocoa Plan by 2025
 - ▶ Progress: In 2022, sourced 68.3% of cocoa volumes from the Nestlé Cocoa Plan.¹¹⁰
- ▶ Reach 160,000 families through its income accelerator program
 - ▶ Progress: In 2022, the program began a 'test at scale' phase covering 10 000 cocoa-farming families in Côte d'Ivoire.¹¹¹

NESTLÉ'S COMMITMENT TO LIVING INCOME:

Nestlé, like Hershey, has an income accelerator program, aimed at helping cocoa farming families close the gap to a living income and help tackle child labor risks.¹¹²

During the first two years of Nestlé's income accelerator program families can annually earn up to €500 in direct bonus payments by taking part in the program and reaching the associated targets. As farmers' incomes increase from additional sources and better yields, the cash incentive is reduced to €250.¹¹³

"When women are given more autonomy, communities thrive"

Targets of the income accelerator aim at benefitting both the environment and cocoa communities. For instance, one incentive is becoming less dependent on cocoa by growing other crops and raising livestock.¹¹⁴

Another incentive, focused on agroforestry, is improving farm resilience by providing forest and fruit trees.¹¹⁵

The company has an ambition of the income accelerator reaching an estimated 160,000 cocoa-farming families in its supply chain globally by 2030.¹¹⁶

NESTLÉ'S COMMITMENT TO WOMEN'S EMPOWERMENT:

Regarding women's empowerment, Nestlé states: *"When women are given more autonomy, communities thrive."*¹¹⁷

In Nestlé's income accelerator program, women represent the majority of Village Savings and Loan Association members, which the company states "has helped to increase women's involvement in household decision-making of expenditure, and promote gender equality."¹¹⁸

NESTLÉ'S COMMITMENT TO EDUCATION:

Nestlé recognizes the important role education plays in reducing child labor. The company states it's ambition "is to reduce child labor risks by helping families cover the cost of schooling, and assist in school attendance and monitoring."¹¹⁹ One of the financial incentives of Nestlé's income accelerator includes reducing child labor risks by assisting school attendance and monitoring.¹²⁰ The company notes that data from their income accelerator pilot program showed that of the 1030 cocoa-farming families in the pilot, 952 had children of school age (6-16 years old), and nearly all expressed their intention to send their children to school.¹²¹ The company notes the primary use of incentives from the income accelerator program was to pay for schooling.¹²²

MISALIGNMENT OF POLICIES:

In 2016, KITKAT became the first brand at Nestlé to source all its cocoa from the Nestlé Cocoa Plan following a mass balance approach, meaning that the total quantity of cocoa purchased from Rainforest Alliance Certified farms is equivalent to the total amount used in manufacturing KITKAT.¹²³

Under a mass balance approach, while Nestlé may state its chocolate is "100% sustainably sourced," the shipping and manufacturing processes used allows certified and non-certified cocoa to be mixed. Therefore, Nestlé's finished "sustainable" product does not necessarily contain 100% sustainably sourced cocoa. Under this approach, Nestlé loses critical traceability for the cocoa in its products when non-certified cocoa is mixed into processing.

WHAT THEY'RE GETTING RIGHT:

Nestlé scored 2nd out of 38 companies surveyed in the Child/forced Labor category on Be Slavery Free's Chocolate Scorecard, earning a score of "Leading in Policy and Practice."¹²⁴ The Nestlé Cocoa Plan is also Rainforest Alliance certified.¹²⁵

MARS, INC.



In 2018, Mars launched its Cocoa for Generations strategy.

Major Goals of Cocoa for Generations:

►100% of at-risk families in West African cocoa supply chains are covered by Robust Child and Forced Labor Monitoring and Remediation Systems by 2025.¹²⁶

Progress: 65% as of 2022¹²⁷

►Support 14,000 smallholder farmers in Côte d'Ivoire and Indonesia on a path to a sustainable living income by 2030.¹²⁸

Progress: 8,000 as of 2022¹²⁹

►100% of cocoa is responsibly sourced and traceable from the farm boundaries to the first point of purchase by 2025.¹³⁰

Progress: 68% as of 2022¹³¹

MARS'S COMMITMENT TO LIVING INCOME:

Regarding Living Income, Mars states: "At Mars, we believe everyone working within our extended supply chains should earn sufficient income to maintain a decent standard of living."¹³²

Mars states its long run vision "is for business to be built on high-quality and highly-efficient supply chains where people are thriving, engaged and motivated, and where all parties earn a decent standard of living."¹³³ While the company notes this ambition applies to everyone in its supply chain, "first priorities are those within [its] operations and those who are most vulnerable: farmers and farm workers."¹³⁴

Mars additionally notes it supports the Living Income Differential of \$400 per MT announced by the governments of Côte d'Ivoire and Ghana in July 2019 to help improve farmers' income.¹³⁵

However, Mars lacks time bound targets and goals to achieve its long run vision of ensuring a living income to every member of its supply chain. Currently, the company is limited to its farmer-first programs, which aim to support 15,000 smallholder farmers in Côte d'Ivoire, Ghana and Indonesia on a path to a sustainable living income by 2030.¹³⁶

MARS'S COMMITMENT TO WOMEN'S EMPOWERMENT:

Mars recognizes the importance of gender equality in the cocoa supply chain, noting "The empowerment of women and girls in the cocoa supply chain will catalyze progress towards increasing incomes, protecting human rights and preserving forests."¹³⁷

In 2020, Mars committed an additional \$10 million to further expand its Village Savings and Loans Association (VSLA) model to reach more than 60,000 members by 2025. The company has surpassed its target and these VSLAs across Ghana and Côte d'Ivoire now have over 80,000 members (more than 75% are women) in more than 350 cocoa growing communities.¹³⁸

In the company's gender equality position paper, Mars notes:

"Based on the insights of our work and research to date, we want to expand our ambition in the pursuit of gender equality. Women's empowerment is a necessary and critical step towards that

ambition, and we want to expand our corporate gender ambitions (Full Potential) to cocoa supply chain communities.”¹³⁹

While a commendable ambition, the company has yet to announce any time bound goals or targets in line with this ambition.

MARS’S COMMITMENT TO EDUCATION:

Mars recognizes “Investing in education can have a positive circular effect: educated children can earn higher incomes as adults and contribute more to the development of their own children, households and communities.”¹⁴⁰

In 2020, the company made a \$3.3 million investment to support the Jacobs Foundation’s creation of a public-private funding facility aimed at promoting quality education.¹⁴¹ Mars is also currently funding the deployment of 34 fellows to 11 schools in 10 cocoa growing communities through Lead for Ghana, a program which engages Ghana’s most talented recent university graduates and young professionals to teach Science, Mathematics, Information Technology, and English.¹⁴²

WHAT THEY’RE GETTING RIGHT:

Mars scored the highest among its competitors Hershey, Nestlé, Ferrero, Mondelez and Lindt in Be Slavery Free’s latest Chocolate Scorecard.¹⁴³ Notably, the company improved its score in the Child Labor category from “progressing in policy and practice” to “leading in policy and practice” since the previous edition of the Chocolate Scorecard.¹⁴⁴

LINDT

In 2008, Lindt developed its own sustainability program for cocoa – the Lindt & Sprüngli Farming Program. The program launched in Ghana, and has since expanded to 131,000 farmers and 990 field staff in the following cocoa producing countries: Côte d'Ivoire, the Dominican Republic, Ecuador, Madagascar, Papua New Guinea, and Peru.¹⁴⁵

The company states **100% of its cocoa beans are traceable back to the origin and externally verified.**¹⁴⁶

MAJOR GOALS OF THE LINDT & SPRÜNGLI FARMING PROGRAM:

- ▶ Source 100% of cocoa beans through the Farming Program
 - ▶ Progress: Achieved in 2020.¹⁴⁷
- ▶ 100% of cocoa from child labor risk countries will be sourced from farming households covered by a CLMRS by 2025.
 - ▶ Progress: 66.1% as of 2023.¹⁴⁸
- ▶ Source 100% of cocoa products – beans, butter, powder, and chocolate mass through the Lindt & Sprüngli Farming Program or other sustainability programs by 2025.
 - ▶ Progress: In 2023, 72.3% of cocoa was sourced through sustainability programs, thereof 68.2% was sourced through the Farming Program.¹⁴⁹

LINDT'S COMMITMENT TO LIVING INCOME

Lindt recognizes that "poverty among cocoa households is one of the underlying root causes of the cocoa sector's sustainability challenges."¹⁵⁰ The company states it takes "a holistic approach to increasing farming household incomes... through a combination of measures, with the aim of improving the income situation overall."¹⁵¹

Key aspects of Lindt's approach to improve farmer livelihood include: increasing productivity, paying premiums, and diversifying income.¹⁵²

Regarding living income, Lindt scored "Needs improvement in policy and practice" on Be Slavery Free's Chocolate Scorecard.¹⁵³

LINDT'S COMMITMENT TO WOMEN'S EMPOWERMENT

Lindt recognizes gender inequality is a reality in the cocoa sector, but does not implement female-only program activities. According to the company, "today, 22.8% of Farming Program participants are female farmers, down from 25.5% in 2022. The reduction is due to the extension of the program to butter in Côte d'Ivoire, where today significantly fewer female farmers participate than in other origins."¹⁵⁴

LINDT'S COMMITMENT TO EDUCATION

Lindt is a member of the Child Learning and Education Facility (CLEF), a coalition dedicated to enhancing access to and the quality of education in cocoa-growing regions of Côte d'Ivoire. The coalition, led by the Ivorian government, constructs school infrastructure, trains teachers in effective educational practices, and engages parents in their children's learning. Lindt has a financial commitment to invest CHF 1.25 million in the initiative.¹⁵⁵

MISALIGNMENT OF POLICIES:

The company's Child Labor score on Be Slavery Free's Chocolate Scorecard actually decreased from the previous 4th edition to the latest 5th edition, moving from "Progressing in Policy and Practice" to a score of "Needs Improvement in Policy and Practice."¹⁵⁶

Lindt utilizes its own certification program rather than choosing to follow the Fair Trade certification model or Rainforest Alliance, which could result in insufficient monitoring efforts.

Over the course of 8,491 surprise visits in 2021, the company discovered 87 child workers.¹⁵⁷ However, Ghanaian journalist Kwetey Nartey feels the number of cases reported by Lindt – roughly one per 100 visits – is “laughable” and that the monitoring by the company is “insufficient.”¹⁵⁸

In January 2024, Swiss news program Rundschau reported a number of children working in Lindt & Sprüngli’s supply chain. In the village of Mfenibu, in Western Ghana, for example, six-year-old Kennedy and his eight-year-old brother Ebenezer were collecting and carrying cocoa pods.¹⁵⁹

These recent allegations and findings bring into question the sufficiency of Lindt’s own Farming Program as a certification system.

WHAT THEY’RE GETTING RIGHT:

Lindt & Sprüngli follows the “identity preserved” traceability approach.¹⁶⁰ To establish traceability from farm to first point of purchase, all farmers are registered, farm GPS point coordinates are taken, and baseline data about the farm and household is collected.¹⁶¹ Additionally, Lindt beans are stored and transported separately from other cocoa beans.¹⁶²

Each delivery of cocoa beans to Lindt & Sprüngli is accompanied by a traceability certificate to ensure that the company purchases cocoa beans from farmers who are part of the Lindt & Sprüngli Farming Program.¹⁶³ This traceability and product segregation sets the company apart from other companies which instead follow a mass balance approach.

FERRERO

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Ferrero's Cocoa Charter lays out its requirements and long term commitments for responsible cocoa sourcing.¹⁶⁴

Major Goals of Ferrero:

- ▶ 100% sustainable cocoa beans for all Ferrero products by the end of 2020
 - ▶ Progress: In January 2021, Ferrero achieved its objective to source 100% of its cocoa through independently managed standards such as Rainforest Alliance, Cocoa Horizons, Fairtrade and others.¹⁶⁵

Ferrero's Stats:

- ▶ 85% of cocoa for Ferrero was sourced from farmer groups which Ferrero has a long-term relationship with through its tier 1 suppliers.¹⁶⁶
- ▶ As of 2021/2022 99% of Ferrero dedicated cocoa farmer groups (meaning known farmers and communities) are covered by Child Labour Monitoring and Remediation Systems (CLMRS) or equivalent systems, which identify and address instances of child labour.¹⁶⁷

FERRERO'S COMMITMENT TO LIVING INCOME

Ferrero's Cocoa Charter states: "Through complementary actions, Ferrero seeks to contribute further to increasing farmer income."¹⁶⁸

In order to increase farmer income, Ferrero pays a cash premium to farmers on top of the commercial price for the purchased cocoa. To ensure farmers correctly receive this cash premium, Ferrero has started working with digital payments to farmers to increase financial transparency.¹⁶⁹

Ferrero also states it is committed to the Living Income Differential.¹⁷⁰ However, **the company has no time bound commitments or targets in place to pay farmers a living income.**

FERRERO'S COMMITMENT TO WOMEN'S EMPOWERMENT

Ferrero states in its sustainability report: "...we have a strong focus on empowering women."¹⁷¹

As of 2023, Ferrero recorded over 1,700 Village Savings and Loans Associations (VSLA) involving 47,000 members.¹⁷²

The percentage of women involved in Ferrero's Village Savings and Loans Associations is notably lower than its competitors, however. In 2022, Ferrero noted 23% of its VSLA members were women, while Hershey and Mars, for instance, reported women made up 77% and 75% of participants in their VSLAs, respectively.¹⁷³

FERRERO'S COMMITMENT TO EDUCATION

Ferrero has announced its intention to support two public-private initiatives (PPIs): the Child Learning and Education Facility (CLEF) and the Early Learning and Nutrition Facility (ELAN) which aim to promote quality education and early childhood development for over 6 million children in Côte d'Ivoire.¹⁷⁴

The company, however, is unclear on the financial commitment it intends to make.

MISALIGNMENT OF POLICIES:

Ferrero's score for Traceability and Transparency and Living Income both decreased on Be Slavery Free's Chocolate Scorecard from the 4th edition to the latest 5th edition. Traceability and Transparency went from "Leader in Policy and Practice" to "Progressing in Policy and Practice," while Living Income score decreased from "Progressing in Policy and Practice" to "Needs Improvement in Policy and Practice."¹⁷⁵

WHAT THEY'RE GETTING RIGHT:

Ferrero annually discloses a list of cocoa farmer groups and suppliers as part of its commitment to transparency across its cocoa supply chain. Ferrero aims to source all cocoa from dedicated farmer groups through supply chains which are fully traceable to farm level.¹⁷⁶

In the 21/22 crop season, Ferrero sourced about 70% of its cocoa as cocoa beans that the company processes in its own plants. Ferrero bought these beans as physically traceable, also known as 'segregated', which means that **the company can trace these beans from farm to its factories.**¹⁷⁷



IS IT JUST “CHOCOLATEWASHING”?

Since signing the Harkin-Engel protocol over two decades ago, the world’s largest chocolate makers have been pledging to eliminate child labor. But those same companies have continually let deadlines to eliminate child labor come and go, repeatedly moving the goalpost on their commitments.

Our analysis of the above companies in the cocoa industry shows many make the same, vague commitments, reporting limited metrics and providing no targets or time bound goals for their commitments.

A common trend amongst these companies is a lack of traceability in their supply chain. A 2023 study published in Environmental Research Letters found that **over 55% of cocoa exports from Côte d'Ivoire cannot be traced back to their origins.**¹⁷⁸

Without adequate traceability and due diligence measures in place, companies can not truthfully say their cocoa is sustainable or free of child labor.

Further, many of the above companies have the same, cookie cutter living income strategies. An analysis by Oxfam showed just how similar these strategies are, noting “once you go beyond branding, they typically involve nearly identical farm-level interventions mostly centered on productivity (98% of farmers).”¹⁷⁹ One

trader representative said to Oxfam, "sustainability programs are 80% the same across buyers and 20% customized."¹⁸⁰

Even though a majority of the major cocoa companies have put out public statements in support of a living income for cocoa farmers, many told Oxfam **"that they are currently not working towards delivering a living income in their programs."**¹⁸¹ In fact, only one of the ten companies in Oxfam's study has made a concrete and time bound commitment of farmers reaching a living income (four other companies have a position statement in support of living income).¹⁸²

Oxfam also found no large-scale evidence of farmers making meaningful progress towards a living income through sustainability programs.¹⁸³ Thus, a majority of companies are failing to address one of the root causes of child labor, making their commitments implausible.

Many of the cocoa companies within this report tout supporting the Living Income Differential (LID) as part of their commitment to living income in their cocoa supply chains. However, it is important to note the Living Income Differential is required by the Ivorian and Ghanaian governments to be paid by cocoa companies. The governments of Ghana and Cote d'Ivoire jointly introduced the Living Income Differential (LID) policy to come into effect with the 2020/2021 harvest season, and agreed to charge an extra premium of USD 400 per tonne on all cocoa sales.¹⁸⁴

Even with this requirement in place, in September 2022, Corporate Accountability Lab (CAL) visited nine cocoa-growing villages across Côte d'Ivoire and Ghana and in each village visited, farmers and workers spoke about the unsustainably low prices companies pay for cocoa and companies' failure to pay the Living Income Differential (LID).¹⁸⁵

Hershey, for one, was accused in a letter from the governments of Côte d'Ivoire of "conspiracy and machinations," to avoid paying the living income differential.¹⁸⁶



COMPANIES LEADING THE INDUSTRY: TONY'S CHOCOLONELY

Companies such as Mondelez, Mars, and Nestlé utilize a “**mass balance**” approach to measure their sustainability goals and progress. As noted previously, in order to qualify for sustainability goals under a mass balance approach, the amount of cocoa sourced sustainably must be equal to the amount of cocoa sold. Using a mass balance approach, sustainably sourced cocoa can be mixed with other beans during transport, processing, and manufacturing. Since the cocoa sourced sustainably is mixed with unsustainable cocoa, some of the sustainable cocoa goes into the chocolate marketed as sustainable, and some will go into other chocolate that may not be marketed as such. Thus, the finished “sustainable” product does not contain 100% sustainably sourced cocoa, even if the company touts the cocoa as 100% sustainably sourced.

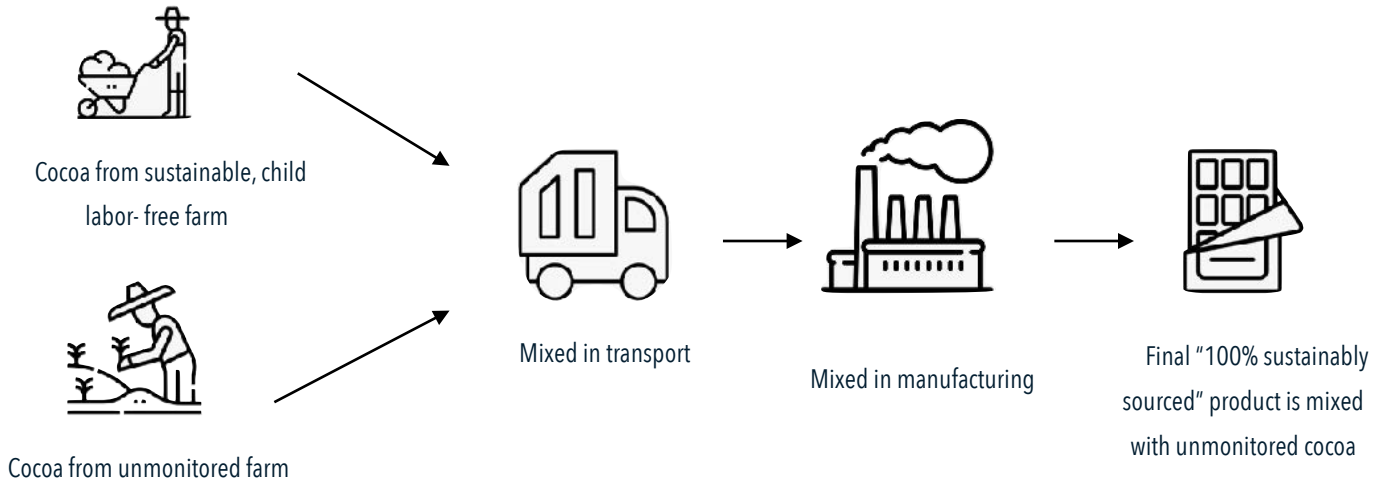
Smaller scale examples:

**BEYOND
GOOD.** **alter
eco**
ORIGINAL
BEANS

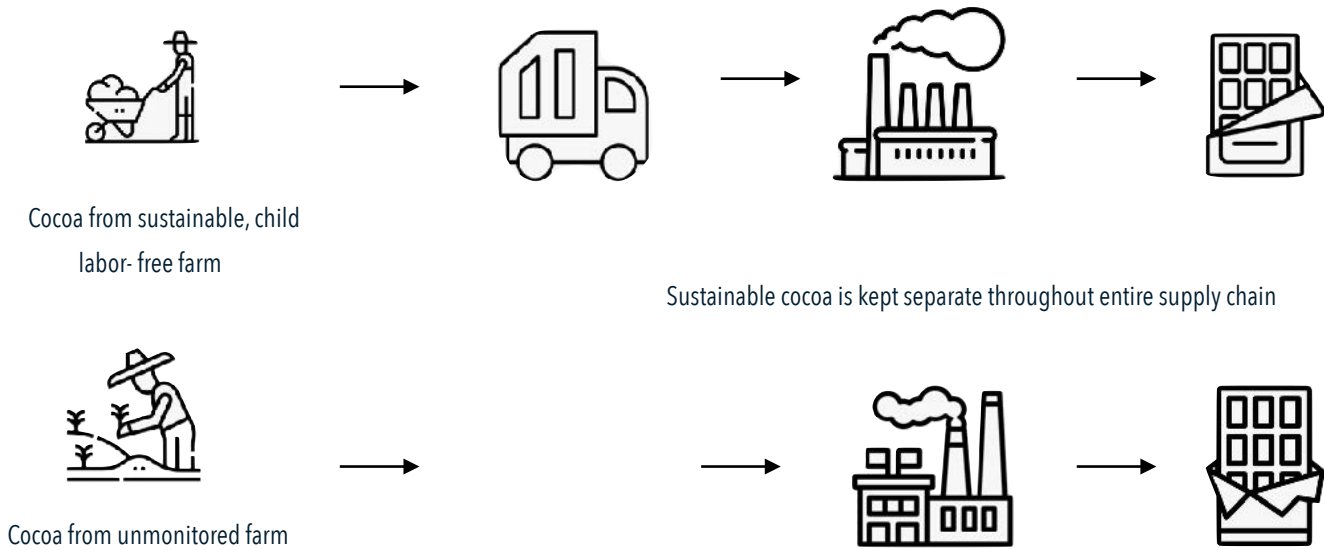
What sets Tony's Chocolonely apart as an industry leader in sustainable and child labor-free cocoa is their 100% traceable supply chain.¹⁸⁷ Tony's achieves 100% traceability by using a **segregated manufacturing process**, rather than the mass balance approach. Tony's pays manufacturer Barry Callebaut a premium to ensure their cocoa beans are fully separated from other beans in the manufacturing process via separate storage vessels and production lanes, and therefore Tony's has full control of the supply chain from start to finish, ensuring 100% traceable, slave-free cocoa.¹⁸⁸

So, why does Tony's work with Barry Callebaut? Tony's Chocolonely publicly condemns Callebaut's past infractions including negligence,¹⁸⁹ the violation of collective bargaining agreements,¹⁹⁰ and child labor in their supply chain.¹⁹¹ In fact, in one of its most recent inspections, Barry Callebaut recorded 53,839 children working for roughly 250,000 farmers in West Africa.¹⁹² But Tony's is on a mission to debunk many of the big chocolate companies' claims that a mass balance approach is essential to larger-scale chocolate-making, which is why they claim the partnership is necessary. Since Callebaut is one of the largest cocoa processors in the world, Tony's decided to "make use of their facilities and set up shop right beside Big Choco to prove first-hand that it is possible to process substantial volumes of cocoa beans and still be 100% traceable and slave free."¹⁹³ Tony's aims to leverage this partnership with Barry Callebaut to scale up production globally and grow "Tony's Open Chain." But, it's important to note that although Slave Free Chocolate acknowledged Tony's emerged in 2007 as a "pioneer, advocating change in the industry," the partnership with Barry Callebaut axed them from the Slave Free Chocolate List since their segregated manufacturing process has kept Tony's Open Chain completely independent and isolated, thus failing to fulfill its promise to make industry-wide reforms starting with Callebaut – "hence the 'Lonely' in Chocolonely."¹⁹⁴

Mass Balance:



Segregated Processing:





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