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The current proposal from the industry body, the Infant Nutrition Council (INC), for advertising and marketing guidelines is inadequate in content and too long in duration. The WHO International Code of Marketing of Breastmilk Substitutes and subsequent Resolutions of the World Health Assembly ("the WHO International Code") is the appropriate guideline which needs to be followed and adapted. In 2016 the World Health Assembly passed a resolution welcoming new guidance on inappropriate marketing of foods for infants and young children, in 2018 WHO reiterated the call for its adaptation, and in 2017 the WHO Western Pacific Regional Committee resolved to formulate a Regional Action Plan on Reducing Harmful Marketing to Children. The INC has failed to make more than a token effort to meet its responsibilities to protection the optimal nutrition and well being of children in this region and globally.

There are major public health benefits for infants, young children and mothers in protecting breastfeeding, which is the role of the WHO International Code. Breastfeeding save lives, promoting formula feeding through advertising and marketing undermines the community perception of a breastfeeding society. The introduction of the WHO International Code recognises that rather than restricting competition, restricting marketing of breastmilk substitutes is in the public interest because it protects health.

Through the WHO International Code, marketing is restricted during the formative 36 months, crucial to infant and young child health without the undermining influence of commercial advertising. Infant formula was designed as an emergency product, not as an alternative to the living fluid, which is breastfeeding.

The World Health Organization, NHMRC and Public Health Association of Australia defines "Toddler Formula" as unnecessary. As is increasingly recognised by public health experts (see Rollins 2016 in The Lancet), industry has used toddler formulas as a pseudo means of promoting infant formula for many years now, and as means to avoid effective implementation of the industry's own Agreements covering infant formula. History has proven this to be an inadequate timeframe with continual pressure from these products undermining breastfeeding and promoting milk formula.

Furthermore, discrepancies in the timing of regulatory approvals in Australia and New Zealand is a problem because it makes consistent regulation more complicated. As Australia and New Zealand have free trade, and the regulation of food standards is by the same regulatory agency, there is no good reason for the timing and nature of the INC MAIF agreements to differ. The discrepancies make it particularly difficult for consumers in the two countries to advocate for improved implementation of the WHO International Code.

We ask that the Commission require INC to strengthen its agreement to better reflect the WHO International Code as the standard for marketing and advertising New Zealand. Importantly we also request that approval of any agreement should be for a period of no more than 3 years to maintain consistency with Australia and allow both Australia and New Zealand to implement updated regulatory policies without the complications brought by different expiry dates for MAIF in the two countries.

The gun, alcohol, tobacco and gambling industries are not under a voluntary self regulating code. So why is the infant food marketing industry allowed to operate under a voluntary self regulating code? What makes the infant food industry any more altruistic from the industries previously mentioned? . All these industries are for profit with first responsibilities to their shareholders, profits, not national health and well being. All are aware of similar marketing techniques to build market share.WHO has expressed concern relating to infant food marketing Government must ensure strong protection is in place for society, in this case the WHO Code of Marketing to ensure health before profit in relation to the marketing of infant food (formula).

Janelle Maree on behalf of

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