



4 October 2023

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The New Zealand Food and Grocery Council (NZFGC) is pleased to submit on the Application made by the Infant Nutrition Council Australia New Zealand (INC) for authorisation for its members to agree and to continue to adhere to, an arrangement that restricts advertising and marketing activities for infant formula products for infants up to 12 months old.

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector is a major contributor to the New Zealand domestic retail food, beverage and grocery products market, and export revenue. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 45% of total manufacturing income. Infant formula production is an important component of that manufacturing activity.

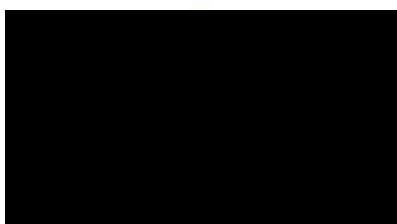
The restrictions currently in place on INC members are embodied in the INC Code of Practice for the Marketing of Infant Formula in New Zealand (the INC Code). The INC Code is endorsed by Ministry of Health | *Manatū Hauora* and appears on its website at <https://www.health.govt.nz/system/files/documents/publications/breast-milk-substitutes-marketing-code.pdf>. The INC Code is key to New Zealand fulfilling its obligations under the World Health Organization's Code of Marketing of Breast Milk Substitutes (the WHO Code). The restrictions are monitored constantly and complaints are formally considered by the Ministry of Health's INC Code Complaints Panel. The process is voluntary but since the INC covers around 95% of all infant formula product through its members, and membership of INC requires adherence to the INC Code for New Zealand members, in our view it is a comprehensive and robust approach.

While the restrictions on marketing and advertising activities might be expected to reduce competition and make consumers worse off, the restrictions are all aimed at removing any influence over a mother choosing to breast feed her infant. We concur with INC members that breast feeding is the normal way to feed infants as it has numerous benefits to mothers and infants. However, when an infant is not given breast milk, the only suitable and safe alternate is a scientifically developed infant formula product.

We note that the INC Code aligns with the New Zealand Government's view that breast milk substitutes extend to formulas provided to infants up to the age of 12 months. Beyond this age, the infant is increasingly consuming family foods including the drinks for young children that are important to contribute to ongoing child development. For this reason while we support authorisation that covers advertising and marketing for infants up to 12 months, we would not be supportive of any extension to that age threshold because of potential deleterious growth and development impacts amongst other reasons.

We would support a lengthy authorisation period (up to 10 years) that reflects and acknowledges that this approach is a sustained and signal element in the Government's ongoing support to the health and wellbeing of infants in New Zealand and our standing in the international community.

Ngā mihi nui



Raewyn Bleakley
Chief Executive