



To: Commerce Commission New Zealand- Te Komihana Tauhokohoko  
Re: Supplementary Commentary on INC Application: Appendix 1: Proposed INC Code of Practice

1 November 2023

Kia ora koutou and thank you for the opportunity to comment further on the proposed amendment to Clause 6.6.

The NZBA is very concerned that the INC has proposed the removal of the reasons for donating infant formula from Clause 6.6 and strongly disagree with this amendment.

The removal of the condition of formula donation in the case of emergency relief and poverty bypasses the policies and procedures put in place by Manatū Hauora- Ministry of Health, specifically the [National Health Emergency Plan's](#) Appendix 11- [Position statement on infant feeding in an emergency for babies aged 0-12 months](#). These national protocols have received recent backing in the [Rautaki Whakamana Whāngote- National Breastfeeding Strategy for New Zealand Aotearoa in Outcome 9](#).

Within the current protocol in the case of emergencies, Civil Defence are directed:

- to decline and not seek donations of infant formula, including donations of follow-on formula and toddler milks and instead use only infant formula that has been sourced and distributed on behalf of the relevant Civil Defence Controller and according to the Controller's assessment of the specific emergency situation.
- to follow the Civil Defence donated goods management procedures and suggest that donations of money are made to the emergency relief effort instead of goods.
- to not distribute unsolicited donations of infant formula, including follow-on formula and toddler milks, that are received and instead arrange return or removal of unsolicited donations in conjunction with the designated local/regional emergency response point-of-contact.

This is a case of industry with commercial interests attempting to override national health policy and procedures that have been put in place to protect infants and families. These national policies and procedures are robustly supported by evidence-based research on infant and young child feeding in emergency situations.

It is concerning that the deadline for a response to this amendment has such a tight deadline as we only received an email requesting further commentary on the afternoon of 30 October 2023.

Again, ngā mihi nui for the opportunity to make a submission on this authorisation request.

Nā mātou noa, nā  
New Zealand Breastfeeding Alliance

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## **References**

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