



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

8 November 2023

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

The NZBA continues very concerned that the INC has proposed a further erosion of key practices put in place to protect breastfeeding and mothers, infants and their families.

Again, 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](#).

We are also concerned about the proposed donations to “health organisations” as stated in revised clause 6.6 for the following reasons:

- It is unclear how “health organisation” is defined and opens the floodgates for industry to make infant formula donations. Who determines what “health organisations” would receive donations? Who will monitor this?
- The [Code of Practice for Health Workers](#) represents 1 of 4 key practices put in place by Manatū Hauora as Aotearoa New Zealand’s response to the International Code. Under the proposed changes, the “health organisation” and staff who work for the organisation are required to understand and abide by the Code of Practice for Health Workers. The amendment proposed by the INC directly contradicts articles 7.1, 7.2, 10.1 and 10.2 of this code. Given that Aotearoa implements the International Code through the Code of Practice for Health Workers, the INC Code, the Advertising Standards Code and the Food Standards Code, this proposed amendment from the INC effectively undermines one of the key pillars (Code of Practice for Health Workers) set out by Manatū Hauora.

As previously stated, the NZBA supports implementation of the full WHO International Code of Marketing of Breastmilk Substitutes and subsequent World Health Assembly resolutions. A vital part of the International Code is that industry does not have contact with consumers and that there are no donations of products or samples of infant formula or feeding implements to pregnant women, mothers or their whānau. This proposal, which opens pathways for industry to donate infant formula products, further erodes an already watered-down implementation of The International Code and ultimately erodes the protection of breastfeeding in Aotearoa New Zealand.

Thank you again for the opportunity to provide feedback on this important issue.

Nā mātou noa, nā

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