



SUBMISSION ON THE COMMERCE COMMISSION'S DRAFT DETERMINATION FOR THE AUTHORISATION OF A 'RESTRICTIVE TRADE PRACTICE' ON INFANT FORMULA (INC CODE)

To: The Commerce Commission

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OIA: We do not object to the release of any information from our submission

Introduction

Thank you for the opportunity to comment of the Commerce Commission's draft determination for authorising restrictive trade practice of infant formula for children aged up to 12 months. This submission was developed by the Health Promotion Team at WellSouth Primary Health Network (WellSouth).

WellSouth is a charitable trust funded by the Southern District Health Board to provide primary health care services to residents enrolled with general practices in Otago and Southland. These services include first contact support to restore people's health when they are unwell, as well as range of programmes to improve access to health care services to promote and maintain good health. The health promotion programme facilitates the process of enabling people to increase control over, and to improve, their health. One aspect of health promotion is to advocate for healthy social, cultural and physical environments.

General Comments

WellSouth supports the Infant Nutrition Councils application to restrict marketing activities of infant formula up to 12 months of age, and applauds their consideration of public health issues. Breastfeeding is the incomparable way of providing ideal food for the healthy growth and development of babies and infants, and has positive impacts on all aspects of hauora (health) for both mother and child¹. This includes taha tinana (physical health), taha whānau (emotional and social health), and taha hinengaro (mental health)². WellSouth believe that public health issues should be given priority over any commercial gain an industry may experience. There is also a growing body of evidence promoting breastfeeding as more economically beneficial over breastmilk substitutes in both developing and developed countries^{2,3,4}.

WellSouth strongly supports the World Health Organisation's (WHO) recommendation that women exclusively breastfeed up to six months of age, with continued breastfeeding along with appropriate complementary foods up to two years of age or beyond. The authorisation would help New Zealand to get closer to meeting international standards and fulfil our obligations under the WHO's *International Code of Marketing of Breast Milk Substitutes*¹.

WellSouth services promote the Ministry of Health's objectives to increase the prevalence and duration of breastfeeding⁵, as it is well established that breastfeeding provides optimal nutrition and lowers the rates of infections and disease, such as obesity, and diabetes⁵. In the Southern region, exclusive breastfeeding rates are high upon discharge from hospital but at six weeks are around at 75%⁶. Māori and Pacific rates are similar, at 68% and 77% respectively. At three months, the rates have dropped further to 62% (Māori to 49%, and Pacific to 45%)⁶. It has been shown that the increase

¹ World Health Organisation. (1981). *International Code of Marketing of Breast-milk Substitutes*. Geneva: World Health Organisation.

² Smith, J., Galtry, J., & Salmon, L. (2014). Confronting the formula feeding epidemic in a new era of trade and investment liberalization. *Journal of Australian Political Economy*, 73:132-170

³Kent, G. (2015). Global infant formula: monitoring and regulating the impacts to protect human health. *International Breastfeeding Journal*, doi:10.1186/s13006-014-0020-7. Article URL: <http://dx.doi.org/10.1186/s13006-014-0020-7>.

⁴ Holla, R., Iellmao, A., Gupta, A., Smith, J.P., & Dadhich, J.P. (2015). Investing in breastfeeding – the world breastfeeding costing initiative. *International Breastfeeding Journal*, doi:10.1186/s13006-015-0032-y. Article URL: <http://dx.doi.org/10.1186/s13006-015-0032-y>.

⁵ Ministry of Health. (2007). *Implementing and Monitoring the International Code of Marketing of Breast-milk Substitutes in New Zealand: The Code in New Zealand*. Wellington: Ministry of Health

⁶ Ministry of Health. (2018). Well Child/Tamariki Ora Quality Improvement Framework. Wellington: Ministry of Health

in marketing and increased sales of breast milk substitutes has negatively affected breastfeeding rates, and increases the likelihood that a mother will stop breastfeeding sooner^{2,3,7}.

Specific Comments

Section 15. It is important to note that the authorisation will only apply to members of the Infant Nutrition Council. Breastmilk substitutes are produced and marketed through a global system³, and with the increasing globalisation of the industry and the increasing globalisation of trade agreements between countries, WellSouth has concerns that if the government does not expand these marketing restrictions to include all formula companies trading in New Zealand, there is a potential for these companies to exploit the public.

Section 28. It would be preferred if the amendment notes the risks and negative health outcomes associated with infant formula use, as well as the benefits of breastfeeding.

Conclusion

In conclusion, WellSouth strongly supports authorisation of the Infant Nutrition Councils application to restrict the marketing of breastmilk substitutes up to the age of 12 months but would like to see this expanded beyond the members of the Infant Nutrition Council to all formula companies trading in New Zealand.

⁷ Rosenberg, K. D., Eastham, C. A., Kasehagen, L. J., & Sandoval, A. P. (2008). Marketing infant formula through hospitals: the impact of commercial hospital discharge packs on breastfeeding. *American Journal of Public Health*, 98(2), 290.