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**From:** Emma Rowlings-Jensen  
**Sent:** Tuesday, 10 November 2015 9:15 AM  
**To:** Adjudication  
**Cc:** Emma Rowlings-Jensen  
**Subject:** A91506 & A91507 – Infant Nutrition Council - submission

**Categories:** Submission

To ACCC

I am writing to express my concern over the ACCC's decision to go ahead and reauthorise for 10 years the Marketing in Australia of Infant Formula (MAIF) agreement. Parents need reliable information based on evidence, not commercial pressure from formula artificial milk companies. Despite previous consumer concerns about MAIF, a review has not been conducted prior to this application by industry for reauthorisation. As this has not yet occurred, I am supporting the Australian Breastfeeding Associations recommendation that a reauthorisation of the MAIF agreement should be **limited to one year to allow an unbiased and in-depth review to occur**. In addition to the postponement recommended above, a review of the MAIF agreement in its entirety is well over due as it is outdated, unregulated, untransparent and full of loop holes that formula companies are exploiting. **The current version you are looking to reauthorise does not even include social/electronic media!!** It also carries no repercussions for breaches and does not apply to retailers which is a significant loop-hole that allows marketing practices that would otherwise be disallowed.

Australia should be following examples set by countries like Norway and Sweden where breastfeeding is considered the normal way to feed babies and infants and where 99% of newborns and 80% of six month olds are breastfed. These countries also have significantly higher levels of health and wellbeing as opposed to countries like Australia who will end up being governed and bombarded by formula companies concerned only with increasing their bottom line profits.

As an expectant mother and a mother of one successfully breastfed and very healthy child I have been bombarded with information relating to how to feed my child. Australian born, I had my first child in the UK and was outraged at the blatant bombardment marketing and downright misleading information that was thrust at me by artificial milk companies. I was even approached hours after giving birth by a formula company whilst lying in my bed in hospital. This came at an extremely vulnerable moment when I was having issues establishing breastfeeding and was looking for help and guidance from a lactation specialist rather than being pestered by a formula company. If at this point I had not already been aware that breastfeeding was the normal way to feed my child vs artificial milk feeding as they were trying to advocate I may have been pressured into formula feeding and missed out on the benefits for both my baby and myself of breastfeeding. This bombardment continued after I left the hospital in the form of tv, facebook, baby magazines, e-mails, chemists, dr surgeries and even being sent freebies from companies who had somehow accessed my details. The UK is now aware of this severe issue and in financial terms has recognised that by artificial milk formula feeding babies and infants it costs the National Health Service and GP's over 17 million pounds per year alone for infants failing to thrive and recurring illnesses (see NOSH trial conducted by researchers at the University of Sheffield, Dundee and Brunel in the UK).

My concern is that Australia is heading in a similar direction to the UK and that by reauthorising the MAIF agreement especially without engaging with breastfeeding experts and revising it to include electronic media and toddler milks you are giving formula companies carte blanche to do what they like with their advertising. How does this protect breastfeeding? Already as an

expectant mother I am seeing formula companies advertising in chemists, supermarkets, social media, television and baby magazines where whilst stating 'breast is always best' go on to then undermine breastfeeding through ill reporting of breastfeeding facts and even misquoting the World Health Organisation on breastfeeding. Coming from what a new and unaware mother would consider a reputable source of information on what to best provide for her child this is both an incorrect and confusing source of information.

Again I strongly urge the ACCC to postpone their decision on reauthorizing the MAIF agreement until the following considerations can be included in a more rounded report:

- **WHO is in the process of strengthening protections against food marketing to children and their parents in an attempt to combat the problem of obesity in Australia. This may result in changes to the WHO Code. This is due out early next year. This information should be included in any review of MAIF, therefore an interim re-authorisation of 1 year rather than 10 is more appropriate.**
- **Australia is in the middle of reviewing its national policy on breastfeeding, the National Breastfeeding Strategy due at the end of 2015, so it is premature to lock-in a 10 year arrangement on regulation of formula marketing.**
- **The MAIF Agreement does not meet Australia's obligations to implement, as legislation, the full WHO International Code of Marketing of Breast-milk Substitutes /and subsequent World Health Assembly resolutions/ (the WHO Code). Australia signed the WHO Code in 1981. Australia's implementation of the WHO Code is half-hearted and has not kept up with modern marketing methods by electronic and social media, including online sales and loyalty programs.**

Failure to take into consideration the findings, recommendations and research of the above organisations along with not including social media and toddler infant artificial milk marketing just undermines the integrity of the MAIF agreement essentially ensuring that the only use for it is to aid formula companies to increase their profit lines and do whatever they want. The long term consequences of an increased culture of formula feeding in Australia will then no doubt start to reflect those currently in the UK and America, along with the cost and increased pressure on the Australian tax payer and Health system, let alone the missed humanitarian right for babies to be breastfeed.

I look forward to hearing further updates regarding the review of the MAIF agreement.

Emma Rowlings-Jensen