
From: Victa O'Reilly
Sent: Monday, 9 November 2015 6:04 PM
To: Adjudication
Subject: A91506 & A91507 – Infant Nutrition Council – submission

Categories: Submission

To whom it may concern,

I am writing because I believe the ACCC should NOT grant a 10 year re-authorisation of MAIF, and a short term re-authorisation as an interim measure, whilst updates and improvements are made, is all that is required.

Almost all mothers aim to breastfeed their babies and we know that this is not only biologically normal, but there are significant risks associated with alternatives such as formula. Breastfeeding- although natural- is a learned art and not always a straightforward journey; however, with the right information and support, almost all mothers can successfully breastfeed. I believe mothers and infants need to be protected from misleading and unscrupulous marketing techniques that often seek to undermine the importance of breastfeeding and mask the risks of formula.

Although Australia signed the WHO code in 1981 (WHO International Code of Marketing of Breast-milk Substitutes /and subsequent World Health Assembly resolutions/), the MAIF agreement (in its current form) does not actually meet Australia's obligations to implement, as legislation, the full WHO Code. Research shows that implementation of the WHO Code in full has been shown to be an effective tool at protecting breastfeeding. The MAIF agreement, signed in 1992, it is a voluntary industry-regulated Code of Practice. The following points illustrate that the MAIF agreement is weak and out-dated, and demonstrate that Australia's implementation of the WHO code is half-hearted:

- Breaches of the MAIF agreement carry no repercussions
- The MAIF agreement does not apply to non-signatories
- The MAIF agreement does not include marketing by electronic and social media, and has not kept up with modern marketing techniques used, including online sales and loyalty programs.
- Retailers (supermarkets and pharmacies) are not covered by the MAIF agreement, so can freely advertise on line and in-store, being especially effective through pricing and discounts
- The MAIF agreement does not include toddler milks. Manufacturers and importers can advertise toddler milks on TV, Facebook, company websites, industry-funded blogs, parent information and advice services, and baby clubs. This is a significant omission since Australian research has shown that consumers do not distinguish between toddler and infant formula advertising, and so advertising toddler formulas undermines breastfeeding.
- The use of marketing by electronic media and the marketing of toddler milks is covered in the full scope of the updated WHO Code and World Health Assembly resolutions. Although some guidelines have been appended to the MAIF agreement, their legal status is unclear
- The governance of the MAIF Agreement is not transparent, does not involve breastfeeding experts (such as the Australian Breastfeeding Association) and lacks Australian government oversight and accountability

Needless to say, the current MAIF agreement needs to be revised and updated. Over the next year, we have a unique opportunity to address the issues above and take significant steps towards protecting Australian mothers and infants from the damage that these self-serving commercial interests and marketing methods cause.

The World Health Organisation (WHO) is currently improving the protections against food marketing to children and their parents in an effort to combat obesity. The rates of obesity in Australia are some of the highest in the world and continuing to rise, affecting the quality of life of so many individuals, and placing a significant health burden on the country. These protections against food marketing may result in changes to the WHO code, and these findings are expected to be released early next year. It is important that this information be included in any review of MAIF, thus a 10-year re-authorisation is inappropriate.

In addition to this, since Australia is in the process of reviewing its national policy on breastfeeding (National Breastfeeding Strategy, due at the end of this year), it would be premature to lock in a 10-year arrangement, and an interim 1-year re-authorisation would be more appropriate.

Thank you for taking these points into consideration.

Sincerely,

Victoria O'Reilly
Mother of two