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**From:** Frances Bilbao  
**Sent:** Wednesday, 11 November 2015 9:52 AM  
**To:** Adjudication  
**Subject:** A91506 & A91507 – Infant Nutrition Council – submission

**Categories:** Submission

To whom it may concern,

I object to the ACCC's decision to go ahead and reauthorise for 10 years as the infant formula manufacturers have requested. It is important that all mothers and infants be protected from unscrupulous and misleading marketing and re-authorisation of MAIF for a further 10 years would not do this. It should be limited to 1 year to allow a proper review to occur.

I object specifically because:

- The WHO is in the process of strengthening protections against food marketing to children and their parents. 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.
- Australia's MAIF Agreement is weak and out of date. Signed in 1992, it is a voluntary industry self-regulated Code of Practice that does not include marketing by electronic media and toddler milks, which are covered in the full scope of the updated WHO Code and World Health Assembly resolutions.
- Breaches of MAIF carry no repercussions... how can this be protecting mother and infants?
- The MAIF Agreement is too narrow in its scope and does not cover toddler milks, promotion by retailers or include in the Agreement marketing by electronic and social media (some guidelines are appended however their legal status is unclear).
- Retailers (supermarkets and pharmacies) are not covered by MAIF so can advertise infant formula and toddler milks on line and in-store, especially through pricing and discounts.
- Manufacturers and importers can advertise toddler milks on TV, Facebook, company websites, industry-funded blogs, parent information and advice services, and baby clubs. Research shows that mothers do not differentiate between toddler formula advertising and infant formula advertising. Thus advertising toddler formulas undermines breastfeeding.
- The governance of the MAIF Agreement is not transparent, does not involve breastfeeding experts and lacks Australian government oversight and accountability.
- One of the significant omissions to the MAIF agreement is that it does not cover toddler formulas (12 months plus). Industry is keen to keep this the status quo as it allows them to market toddler formula directly to consumers. This is done in such a way that mothers are unaware from the marketing that this product is not in fact infant (0-6 months) or follow on formula (6-12 month), both currently unable to be marketed directly to mothers by

industry. Australian research shows that consumers do not differentiate between the toddler and infant/follow-on formula. Marketing in one is effectively marketing in all brackets.

- The MAIF agreement does not apply to retailers – a significant loop-hole that allows retailers to be involved in marketing practices that would be otherwise disallowed.
- The MAIF agreement does not cover electronic marketing
- Research shows that implementation of the WHO Code in full has been shown to be an effective tool at protecting breastfeeding.
- The MAIF agreement and its weak guidelines are unenforceable and have no consequences for breaches. It also does not apply to non-signatories. It is a toothless tiger that does not afford the protection that Australian mothers and infants deserve.

Yours sincerely,  
Frances Bilbao