



The Royal Australasian  
College of Physicians

11 January 2016

Mr David Hatfield  
Director, Adjudication Branch  
Australian Competition and Consumer Commission  
23 Marcus Clarke Street  
Canberra ACT 2601

Via Email: [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)

Dear Mr Hatfield

### **Marketing in Australia of Infant Formula: Manufacturers and Importers Agreement**

The Royal Australasian College of Physicians (RACP) notes that the Australian Competition and Consumer Commission has proposed to re-authorise, for 10 years, the Marketing in Australia of Infant Formula: Manufacturers and Importers Agreement (MAIF Agreement) and associated guidelines.

The RACP recommends that the ACCC reconsider the duration of the authorisation, given the likelihood of policy changes relating to the marketing of infant formula in the near future.

As the ACCC notes, new recommendations for the regulation of marketing of infant formula were made by the World Health Organisation (WHO) in late 2015. The WHO is due to consider these recommendations at the 69<sup>th</sup> World Health Assembly (WHA) in May 2016. Given this timeline, the rationale for the ACCC to re-authorise the MAIF for a period of 10 years is unclear. Instead, the RACP strongly recommends that an interim authorisation be provided instead, expressly indicating that a review will occur following the Commonwealth Government's response to any WHA recommendations published later in 2016.

The RACP's Paediatrics and Child Health Division also has significant concerns around recent adjustments to the MAIF Agreement. The Agreement does not sufficiently address the provisions of the WHO *International Code of Marketing of Breast Milk Substitutes* or subsequent resolutions from the WHA. Elements of the WHO Code not covered by the MAIF Agreement include:

- Coverage of pharmacies and retailers; the MAIF Agreement only covers importers and manufacturers
- Coverage of ancillary products, such as bottles and teats
- Lack of applicability to any party that has not voluntarily opted-in to the MAIF Agreement.

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The College also has concerns regarding the voluntary and self-regulated nature of the MAIF agreement, and notes that it does not allow for sanctions to be passed for significant or repeated violations.

The College will continue to advocate for more effective regulation of the marketing of infant formula in Australia. If you have questions relating to this letter, please contact Alex Lynch on +61 2 9256 9632 or at [Alex.Lynch@racp.edu.au](mailto:Alex.Lynch@racp.edu.au).

Yours sincerely

A handwritten signature in black ink that reads "Nicki Murdock". The signature is written in a cursive, slightly slanted style.

Dr Nicki Murdock  
President  
Paediatrics and Child Health Division