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ADVOCATING TO PROTECT,  
PROMOTE AND SUPPORT  
BREASTFEEDING

18 November 2020

Dear Mr Hatfield,

**Re – AA1000534 – Infant Nutrition Council - submission**

We note that the Infant Nutrition Council has made an application to the Australian Competition and Consumer Commission for re-authorisation of the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF Agreement).

The MAIF Agreement plays an important role encouraging responsible marketing of infant formula and should remain in place in the absence of alternative regulatory arrangements. We are concerned however, that the MAIF Agreement, which was adopted in 1991, remains seriously out of date and does not reflect current marketing practices. Findings from the *Review of the effectiveness and validity of the operations of the MAIF Agreement: consultation summary 2012* showed that 71% of targeted stakeholders agreed that the MAIF Agreement includes ambiguous, inconsistent, unclear or out-of-date wording, and these concerns have not been addressed.

The MAIF Agreement has not been updated since the 2016 ACCC Determination. In the meantime:-

- The *Australian National Breastfeeding Strategy: 2019 and beyond* (ANBS), endorsed by all Health Ministers in 2019, outlines an objective 'to strengthen the regulatory arrangements for marketing of infant formula and breastmilk substitutes so that inappropriate marketing and distribution ceases'. The ANBS includes an action to 'Review regulatory arrangements for restricting the marketing of breastmilk substitutes' through independent review.
- The World Health Organization endorsed and published *Guidance on Ending the Inappropriate Promotion of Foods for Infants and Young Children* in 2016. The guidance reiterates that breastmilk substitutes should not be promoted, clearly defining breastmilk substitutes as milks specifically marketed for feeding infants and young children up to the age of three. Furthermore, in 2018 the World Health Organization urged all Member States to strengthen national mechanisms giving effect to the *International Code of Marketing of Breastmilk Substitutes*.

The Infant Nutrition Council states that the MAIF Agreement constitutes Australia's official response to the World Health Organization's *International Code of Marketing of Breastmilk Substitutes* (WHO Code). We believe that there is a responsibility to ensure that the MAIF Agreement is contemporary. This involves updating the MAIF Agreement to keep it inline with subsequent World Health Assembly resolutions that give effect to the WHO Code.

Endorsement of the *Australian National Breastfeeding Strategy: 2019 and beyond* also indicates that the Australian Government intends to review and strengthen regulatory arrangements for the marketing of infant formula.

We believe that the MAIF Agreement must be reviewed and updated to remain effective in achieving the intended outcome. For this reason we think that a 10 year re-authorisation period is inappropriate. We urge the ACCC to consider reducing the authorisation period to a maximum of 2 years.

Yours sincerely,



Ros Escott

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