
From: Cheryl Slade [REDACTED]
Sent: Thursday, 12 November 2020 12:06 PM
To: Exemptions
Subject: Infant Nutrition Council application for revocation of authorisations A91506 and A91507 and substitution of new authorisation AA1000534

I am writing as a previously breastfeeding mother and a current breastfeeding counsellor in a group of more than 5,000 Australian Mums.

I am against the notion that the INC requests another 10 years for the MAIF agreement. As we've seen this year especially in Victoria, the notion that an industry is above the needs and rights of people's health is absurd. I would like to see the current MAIF Agreement expire in no more than 2 years. Australia needs to legislate the WHO Code (and subsequent WHA resolutions) with fines and penalties for companies that breach it.

As stated, the MAIF agreement is a voluntary, industry led self-regulatory code of conduct, where any breach of this agreement is dismissed or ignored. This is a direct and public detriment to the thousand's mothers and babies each year that overwhelmingly want to breastfeed but are bombarded with ongoing formula milk advertisement on social media, in mother bags, magazines and even in Maternal Child Health Nurse groups.

On a daily basis, we as parents are bombarded with "sales" of infant and toddler milks, the issue is that parents are unprepared for the underhandedness of these large corporations. As the ACC knows, if you are to promote your adjacent product (which has actually been found to be harmful for young children; see point 5.) than your brand name is front of mind when you walk the aisles of the supermarket or do online shopping. Mothers want to do the best they can for their children, but with unscrupulous marketers from large international companies, advertising directly to new and first-time mothers who are breastfeeding on Facebook for their product range, which includes direct sales links to the whole shop front of infant formula and toddler drinks. They are directly advertising their infant formula to these people.

In the minds of parents, they can not differentiate the infant formula from the toddler drink and see them as the same thing, which is really detrimental to mothers and their babies, thus the current MAIF agreement should be extended until at least 2 years of age. The manufacturers and importers of infant formula do not have the best interests of the babies and mother's health at heart.

10 critical reasons I oppose the INC's request for re-authorising MAIF for 10 years are as follows:

1. Breastmilk as a biological process

Breastmilk is not just another corporate interest competing with other local and global corporate entities. It is the final stage of human reproduction and any attempt by corporate entities to attract customers away from breastfeeding has direct negative consequences on public health.

The ACCC promotes competition and fair trade in markets to benefit consumers, businesses, and the community. Yet breastfeeding and breastmilk are not goods and services to be bought and sold on the general market, nor should our biological functions be considered to be in competition with formula products. We are mothers and we are volunteers and we do not agree that the promotion of breast milk substitutes in Australia benefits any consumers, whether or not they are breastfeeding.

2. Breastfeeding is a human right

The Australian Government's current decision to use MAIF, FSANZ and the NHMRC Infant Feeding Guidelines[5] as a means of WHO Code compliance is a breach of the Convention on the Rights of the Child[6] and the Innocenti Declaration.[7] The MAIF Agreement is outdated, poorly implemented and weak.

3. Toddler drink products are not 'toddler milk'

The ACCC has adopted industry terminology without cognizance. Toddler drink products are promoted as "toddler milk" and yet they are classified under FSANZ food standard 2.9.3[8] for formulated meal replacements and formulated supplementary foods. We will refer to this product as its correct description, which is 'toddler drink' or 'toddler drink products'.

4. Toddler drink marketing is a cross-marketing tool for infant formula

The description of these products as "toddler milk" is in itself a marketing tool. Identical labelling of products across one product line is a deceptive marketing strategy which means that advertisements for toddler drinks can cross-promote infant formula products.

Supermarket and pharmacies generally shelve toddler drink products adjacent to infant formula products which is confusing for parents who may view these products as a logical progression of products, despite toddler drinks falling outside the national dietary guidelines for children. Identical labelling and product placement have led to widespread consumer misuse. Instances have been recorded of babies being given an incorrect product owing to the similar labelling and product positioning.

Infant formula and toddler drinks should not be marketed as complementary products. Australia now needs to end the inappropriate marketing of toddler drink products through meeting the international minimum standard for marketing these products – legislating against the marketing of all breast milk substitute products (and infant feeding merchandise) 0-36 months, the Code.

5. Toddler drink products are potentially harmful

Australian research from VicHealth (published in 2020) shows that toddler drink products are potentially harmful.[9] They are not the logical progression for babies who consume infant formula, or for breastfed babies, and given they are not recommended for consumption by the general population it is negligent that they can be marketed at all. Disclaimers on toddler drink advertisements stating these products are only recommended for use under medical supervision sometimes appear as fine print and difficult to read. There is no mention of the risks of not breastfeeding and the consequent impact on health and reduced cognition.

The aggressive marketing of these expensive and potentially harmful products must now be stopped. The WHO advises that toddler drink products fall under the International Code definition of "breast milk substitute" and that health claims for these products are inappropriate.

6. Compliance with MAIF

Infant formula manufacturers and importers are currently not obligated to sign the MAIF Agreement. This creates a situation where some companies answer to the Agreement, and other companies do not. Given infant marketing practices negatively impact the health of the youngest and most vulnerable Australians standards in this area should be mandatory. Otherwise the Department of Health is in effect allowing companies to self-manage the conflict between public health and their own profit motive.

Furthermore in respect of compliance with MAIF, the Department of Health at present does not know how many formula manufacturers and importers are operating in Australia; the Department has stated they do not keep records in this regard. How can the Department claim to have an effective regulation process in place when they do not even understand the scale of industry operations in Australia, or the proportion of that industry which is operating in accordance with voluntary guidelines?

7. Australian breastfeeding statistics

We have no meaningful national data from which to say breastfeeding is improving or increasing. However, the NSW Mothers and Babies Report shows formula feeding has increased significantly.[10]

8. Reporting breaches of the MAIF Agreement

The current MAIF reporting system for breaches is antiquated and inefficient, a simplified legislated system needs to be established. The current reporting tool is difficult to access from mobile technology, which is a barrier to reporting breaches of the MAIF Agreement.

9. The Australian Government is neglectful in their responsibility to protect breastfeeding, promote public health and fulfill obligations under international treaties.

10. We submit the legislated WHO Code to be implemented within two years.

Mother, Wife, Warrior, Survivor

Cheryl Slade

