

Australian Competition and Consumer Commission Consultation

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Recipient

Australian Competition and Consumer Commission

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Dietitians Australia acknowledges all traditional custodians of the lands, waters and seas that we work and live on across Australia. We pay our respect to Elders past, present and future and thank them for their continuing custodianship.

The leading voice in nutrition and dietetics

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About Dietitians Australia

Dietitians Australia is the national association of the dietetic profession with over 8500 members, and branches in each state and territory. Dietitians Australia is the leading voice in nutrition and dietetics and advocates for the profession and the people and communities we serve.

The Accredited Practising Dietitian (APD) program provides an assurance of safety and quality and is the foundation of self-regulation of the dietetic profession in Australia. Accredited Practising Dietitians are the qualified and credentialed food and nutrition experts and have an important role to play during the early years to support all children to receive optimal nutrition to achieve the best start to life.

This submission was prepared by Dietitians Australian staff in collaboration with members following the [Conflict of Interest Management Policy](#). Contributors include Dietitians Australia members with wide ranging expertise in areas including paediatric and maternal health, lactation, public health, and academia.

Recommendations

Dietitians Australia appreciates the opportunity to provide a submission on the following application for authorisation: Infant Nutrition Council Limited - application for revocation of authorisation AA1000534 and substitution of AA1000665.

Australian guidelines recommend that infants be exclusively breastfed until around 6 months of age when solid foods are introduced and breastfeeding be continued until 12 months of age and beyond.¹ Both the National Preventive Health Strategy and National Breastfeeding Strategy include targets to increase the rates of children exclusively breastfed at 6 months.^{2,3} The target is set at 50% by 2025. In 2022, 37.5% of infants were exclusively breastfed at 6 months.⁴

It is well known that marketing is effective. Dietitians Australia notes evidence from the World Health Organization (WHO) that formula milk marketing, not the product itself (which has its place for women and parents who are not able or do not want to breastfeed), disrupts informed decision-making and undermines breastfeeding and infant health.⁵ The sales of infant formula have grown year-on-year and have almost doubled in the last 20 years.⁵

The Marketing in Australia of Infant Formulas: Manufactures and Importers Agreement (MAIF Agreement) is failing to protect Australian infants and young children from the marketing and promotion of formula milk. For example, the scope of the MAIF agreement is inadequate to capture all brands/products and all the current ways in which infant formula is marketed, such as digital platforms. The report from the review of the MAIF Agreement stated “This Review has determined that the voluntary, self-regulatory approach is no longer fit for purpose and recommends the establishment of a stronger regulatory framework in the form of legislated, prescribed, mandatory code. This will more effectively restrict the inappropriate marketing of infant formula in Australia, promote and protect public health, and create a level playing field for industry.”⁶ Providing a 5-year re-authorisation is incongruent with the findings of the review and potentially compromises maternal and infant health.

Dietitians Australia strongly opposes the request for authorisation without conditions for 5 years. Dietitians Australia recognises that the report for the review of the MAIF Agreement has recently been released by the Department of Health and Aged Care and that the Government response remains pending. In light of this, Dietitians Australia considers that authorisation for no longer than a 12-month period would provide ample time for the report to be considered and the next actions to

be determined. Dietitians Australia strongly recommends that the Australian Government implement, regulate, monitor and enforce the WHO Code and subsequent World Health Assembly resolutions.

References

1. National Health and Medical Research Council. Infant Feeding Guidelines: Summary. Canberra: National Health and Medical Research Council. 2012. Available from: <https://www.nhmrc.gov.au/about-us/publications/infant-feeding-guidelines-information-health-workers>
2. Australian Government Department of Health. Australian National Breastfeeding Strategy 2019 and beyond. Canberra: Australian Government Department of Health, 2019. Available from: <https://www.health.gov.au/sites/default/files/documents/2022/03/australian-national-breastfeeding-strategy-2019-and-beyond.pdf>.
3. Australian Government Department of Health and Ageing. National Preventive Health Strategy 2021-2030; Australian Department of Health and Ageing, 2021. Available from: https://www.health.gov.au/sites/default/files/documents/2021/12/national-preventive-health-strategy-2021-2030_1.pdf.
4. Australian Bureau of Statistics. Breastfeeding [Internet]. Canberra: ABS; 2022. Available from: <https://www.abs.gov.au/statistics/health/health-conditions-and-risks/breastfeeding/latest-release>.
5. World Health Organization & United Nations Children's Fund. How the marketing of formula milk influences our decisions on infant feeding. World Health Organization, 2022. Available from: <https://apps.who.int/iris/handle/10665/352098>.
6. Allen + Clarke Consulting. Review of the Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement Final Report. 2023. Available from: <https://www.health.gov.au/resources/publications/review-of-the-marketing-in-australia-of-infant-formulas-manufacturers-and-importers-maif-agreement-final-report?language=en>