



LCANZ
LACTATION CONSULTANTS
OF AUSTRALIA & NEW ZEALAND

18 March 2021

The Australian Competition and
Consumer Commission (ACCC)
GPO Box 3131
Canberra ACT 2601

Dear Sir/Madam,

Re: AA1000534 – Infant Nutrition Council – Submission

Infant Nutrition Council - application for re-authorisation AA1000534—draft determination

Lactation Consultants of Australia and New Zealand (LCANZ) is the peak body for lactation professionals (International Board-Certified Lactation Consultants (IBCLCs®)) in Australia and New Zealand. The LCANZ goal is to support lactation consultants and medical professionals to promote, protect and support breastfeeding and improve the experiences of breastfeeding mothers.

LCANZ strongly advises the Australian Competition and Consumers Commission (ACCC) to strengthen the Manufacturers and Importers Agreement (MAIF Agreement) to include prohibition of advertising and promotion of toddler milk by manufacturers and importers directly to the public.

Prohibition of advertising and promotion of toddler milk by infant formula companies will assist in the implementation of the World Health Organisation's (WHO) recommended duration of breastfeeding until 2 years of life with the significant consequential health benefits to the community.

The MAIF Agreement was implemented in Australia in response to the World Health Organisation's International Code of Marketing of Breast-Milk Substitutes and subsequent World Health Assembly (WHA) resolutions. LCANZ acknowledge that the MAIF Agreement goes some way to implementing this global initiative to protect, promote, and support breastfeeding. However, LCANZ believe that the MAIF Agreement is too narrow in its scope and should include bottles and teats, retailers and pharmacies and toddler milks.

Australia was poorly ranked by The World Breastfeeding Trends Initiative (WBTi) Global report card launched by International Baby Food Network (IBFAN) which placed Australia at 95 out of 96 participating countries. This rank evaluated the countries breastfeeding policies and practices, LCANZ believes that Australia can and should do better.

The Australian Government authored the Australian Breastfeeding Strategy 2019 and Beyond which recognises that breastfeeding is a key contributor to lifelong health of both mothers and babies. This strategy states that the first 1000 days in a child's life from conception to the end of the second year is critical for long term health.

96% of Australian women initiate breastfeeding, unfortunately this commendable rate is not sustained, and most Australian infants are fed milk other than breastmilk by 6 months of age and only very few are still provided the WHO recommended breastmilk at 2 years of life. This decline in breastfeeding is multifactorial but LCANZ believe that it is in part related to consumer confusion between infant formula and toddler milk products and the allowance of the marketing of toddler milk, which is effectively marketing infant formula.



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The WHO is clear that any milk-like product that displaces breastfeeding should not be promoted in any way (IBFAN 2019). The identical branding design and packaging is cross promotion brand stretching or brand extension and has the potential to be very dangerous for a young baby and deleterious for older babies.

The WHO-UNICEF commissioned report published in the LANCET 2020 found that despite the dramatic improvements in survival, nutrition and education over the recent decades today's children still face an uncertain future. The report went on to say that the commercial sector's profit motives and predatory commercial practices pose many threats to child health, there is a need to protect children from the harms of commercial interests, industry self-regulation does not work, and existing frameworks are not sufficient.

The global baby foods and infant formula industry is huge and growing rapidly (at 10% per year Globalnewswire report 2020) as the marketers would say, there are favourable population dynamics. LCANZ believe that the ACCC has an obligation to protect consumers and provide competitors (breastfeeding) a chance to protect the health and wellbeing of Australian women and their young infants and children.

LCANZ aspires for Australia (and New Zealand) to lead the world in the promoting, protecting and support of breastfeeding. LCANZ want to see the MAIF Agreement strengthened and extended and calls for the Australian Government to legislate the WHO International Code of Marketing of Breast-milk Substitutes (WHO Code) and subsequent WHA amendments to enforce the WHO breastfeeding recommended duration until 2 years. LCANZ also believe that the WHO Code and subsequent WHA amendments should be legislated to be legally binding, and sanctions applied to all breaches.

LCANZ poses the same question to the ACCC that was put to an enquiry into the undermining of breastfeeding by the baby food industry and which subsequently instigated the WHO Code 40 years ago: When economic incentives are in conflict with public health requirements, how shall the conflict be resolved? LCANZ urge the ACCC to resolve the conflict in favour of the most vulnerable, our infants and young children.

Your faithfully and sincerely,

Trish Doyle | Director of Political and Professional Advocacy
Lactation Consultants of Australia & New Zealand