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To: Exemptions
Subject: AA1000534 - Infant Nutrition Council - submission

AA1000534 – Infant Nutrition Council – submission on behalf of Maternity Choices Australia.

Maternity Choices Australia opposes any re-authorisation of the MAIF agreement.

Australia is a signatory to the World Health Organization (WHO) International Code of Marketing of Breast Milk Substitutes (“the Code”) and as such has an obligation to report and act on Code implementation. MAIF is a toothless tiger, which does not support families who need to use formula, and undermines breastfeeding establishment and duration. The MAIF Agreement is outdated, poorly implemented and weak.

Voluntary industry agreements are well known to be next to useless, with no recourse for consumers, and no penalty for breaching the agreement, which happens on a regular basis. The advisory panel which administers MAIF and investigates and adjudicates on complaints is partly funded by industry, and includes industry representatives, giving rise to conflicts of interest.

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?

A particular issue is the marketing of 'toddler drinks', which is considered an unnecessary product by the WHO. Companies know that parents mistake promotion of these products as being suitable for younger babies, as well as increasing brand recognition and trust, this is a deceptive marketing strategy which means that advertisements for toddler drinks can cross-promote infant formula products.

Supermarket and pharmacies generally shelf 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 has led to widespread consumer misuse. Instances have been recorded of babies being given an incorrect product owing to the similar labelling and product positioning.

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. 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.

The Australian Government is neglectful in their responsibility to protect mothers and babies, promote public health and fulfill obligations under international treaties. Australia needs to legislate the WHO Code (and subsequent WHA resolutions) immediately with fines and penalties for companies that breach it.

Debbie Jay, on behalf of Maternity Choices Australia