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AA1000534–Infant Nutrition Council - submission

The World Health Organisation’s International Code of Marketing of Breast-Milk Substitutes represents best practice and has been put together by experts.

Rather than adopting the WHO Code, Australia uses a code “Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement (MAIF)”. This voluntary self-regulatory code of conduct between the manufacturers and importers of Infant Formula in Australia and New Zealand replaced that of the former Advisory Panel on the Marketing in Australia of Infant Formula (APMAIF).

The WHO Code (Article 5.1) states that manufacturers and importers of infant formulas should not advertise *or in any other way* promote infant formulas to the general public.

The MAIF Agreement states that it is designed to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breastfeeding and by ensuring the proper use of breast-milk substitutes, when they are necessary. The MAIF code fails to adequately represent the WHO Code in several ways. The most relevant is that MAIF limits the scope of the WHO Code by prohibiting members from advertising and promoting Infant Formula to the public for infants *up to 12 months*. (1)

I consider the MAIF Code itself urgently needs revision to bring it more into line with the WHO Code. I am also concerned that the Code is voluntary and organised as a self-regulatory code. Codes should ideally be made by those without a conflict of interest and with expertise in a subject (in this case, breastfeeding). Any Code set up by those with a conflict of interest in its content and outcomes starts with a basic problem that can only be avoided by ensuring that the Code is designed for public health, not company profits.

Complaints about breaches of the MAIF Code were once handled by APMAIF. Unfortunately, in 2013, as part of a Government desire to remove ‘red tape’ regulation, the APMAIF was disbanded. While the Department of health maintained some of its previous functions in relation to monitoring compliance with the Agreement, the Department of health’s Independent Review of the MAIF Complaints Handling Process notes that the mechanism for determining breaches of the MAIF Agreement stopped. (2)

The MAIF Code is authorised by the Department of Health and re-authorised at intervals. The Infant Nutrition Council proposes to extend the time of re-authorisation of this Code from its previous 5 year period to 10 years.

I oppose the proposal by the Infant Nutrition Council. The current complaints process is inadequate and extending the time of re-authorisation of the MAIF Code removes much needed opportunities to alter the complaints process and ensure the Code is fit-for-purpose when marketing and promotional methods change (as they do in much shorter time periods than even 5 years.)

Current activities by some companies go against the WHO's code – and also the original intent of the MAIF Code - in several ways. Of particular concern is the way some companies market products commonly referred to as 'Toddler milk'. These products have similar packaging and bear the company's name and logo which are product identifiers for infant formula – indeed, a way of de-facto advertising the infant formula category. This therefore becomes a way of breaking a Code that stipulates infant formula will not be advertised. This point was brought up, but not acted upon, in the 2012 report Review of the effectiveness and validity of operations of the MAIF agreement: research paper Department of Health and Ageing (3)

Companies represented by the Infant Nutrition Council excuse the promotion of these 'toddler milks' claiming they are not breast-milk substitutes. While there are some legitimate reasons to produce infant formula for infants who are not able to be breast-fed, there are no reasons to produce so-called 'toddler milks'. Indeed, these products are not recommended by WHO or by Australia's NHMRC Infant Feeding Guidelines or the NHMRC's Australian Dietary Guidelines (ADGs). The Infant Feeding Guidelines clearly state that "from 12 months of age and beyond, toddlers should be consuming family foods consistent with the Australian Dietary Guidelines. Special complementary foods of milks for toddlers are not required for healthy children." (4).

As well as bearing similar names and packaging, 'toddler milk' products are usually sold adjacent to infant formula, making it appear that they are designed for young children one they go off infant formula. Some companies imply or directly either state they are a 'progression' (with labels claiming them as "step 3" (5) or "Toddler Milk drink is a preferred alternative to pure cow's milk when weaning toddlers from breast milk or infant formula (6). The products are expensive, costing far more than regular milk which is all that is required for toddlers. Parents or carers with a limited budget who purchase these products may then find themselves unable to afford other healthy items that are essential for toddler-age children (such as fresh fruit).

Previous reviews have identified a number of issues relating to the MAIF agreement. These include (but are not limited to):

- Toddler milk drinks
- Electronic marketing (online forums with 'influencers', Twitter, Facebook, Instagram, Youtube)
- Non-signatories to the MAIF code (it remains optional)

- Lack of balanced information for parents
- Out of date, ambiguous, inconsistent or unclear wording.
- Ineffective complain processes.

Targeted surveys found that 59% of respondents to the 2012 survey (3) disagreed that the MAIF agreement responded appropriately to the needs of the community, with similar numbers of consumers, consumer groups and health professionals/organisations noting that the MAIF agreement includes ambiguous, inconsistent, unclear or out of date wording.

These issues remain problematic and show that the MAIF agreement needs regular review. Other issues also need urgent and ongoing attention. These include (but are not limited to) extremely popular social marketing methods that have emerged, and will likely continue to dominate marketing in the near future.

Extending any re-authorisation process from 5 years to 10 does not allow for proper evaluation of the effect of the MAIF Code – a Code that already has a number of inadequacies, especially as they relate to the complaint process.

I strongly recommend against re-authorisation of the MAIF agreement to a 10 year time period. My recommendation would be that review is needed as soon as possible and then at regular intervals of no more than 5 years, and, in view of changes recommended in a 2012 review (3) which have not been implemented, preferably even less.

1. <https://www1.health.gov.au/internet/main/publishing.nsf/Content/guide-maif-agreement>. (Accessed 20 November 2020)
2. [https://www1.health.gov.au/internet/main/publishing.nsf/Content/1CA4794F9F834991CA257BF0001A8EBB/\\$File/Consultation-Summary-Report-22June18.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/Content/1CA4794F9F834991CA257BF0001A8EBB/$File/Consultation-Summary-Report-22June18.pdf) (Accessed 20 November 2020)
3. [https://www1.health.gov.au/internet/main/publishing.nsf/Content/1CA4794F9F834991CA257BF0001A8EBB/\\$File/Review%20of%20MAIF%20Agreement%20-%20Final%20Research%20Paper%20120613.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/Content/1CA4794F9F834991CA257BF0001A8EBB/$File/Review%20of%20MAIF%20Agreement%20-%20Final%20Research%20Paper%20120613.pdf). (Accessed 20 November 2020)
4. Section 9,3,3 Transition from infancy to toddler. NHMRC 2012 Infant Feeding Guidelines, Canberra.)
5. <https://www.google.com/search?client=firefox-b-d&q=toddler+milk> (Accessed 20 November 2020)
6. https://natic.com.au/en/bellamy-step-3-organic-toddler-milk-drink-900g?gclid=EAIaIQobChMIvb_KzfGP7QIVooJLBR2Ngwu9EAQYDiABEgJrM_D_BwE (Accessed 20 November 2020)

Thank you for the opportunity to make this submission.

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