



SUN CSA Cambodia
#42 Street 322
Sangkat Boeung Keng Kang
Khan Chamkarmorn
Phnom Penh
Kingdom of Cambodia

December 4, 2020

Mr. David Hatfield

Director

Competition Exemptions Branch

Australian Competition and Consumer Commission

GPO Box 3131

Canberra ACT 2601

Re: Response to requestion for submissions regarding the Infant Nutrition Council application for revocation of authorisations A91506 and A91507 and substitution of new authorisation AA1000534.

Dear Mr. Hatfield:

I wish to express my concern for the actions of Australian breastmilk substitute companies distributing their products in Cambodia, in light of the Infant Nutrition Council's application for reauthorisation.

Cambodia's BMS Code, Sub-Decree 133 on the Marketing of Infant and Young Child Feeding Products (Sub-Decree 133), was first developed in 2001, and approved by the Prime Minister as law on November 18, 2005. In 2014 the Royal Government of Cambodia renewed its dedication to protecting and promoting breastfeeding through increased monitoring and enforcement of Sub-Decree 133. The Sub-Decree is enforced through joint efforts between the government, civil society and development partners, and plays a critical role in promoting and protecting the nutrition and health of children in Cambodia, by monitoring and restricting the advertising, marketing and labeling of infant and young child feeding products, including infant formula and other breast-milk substitutes. In Cambodia, adequate breastfeeding practices have the potential to prevent 1,097 child deaths each year, which is an extremely important contribution to reducing the child mortality rate in the country.

While Cambodia has strong legislation on the Code, Australian companies continue to take advantage of the challenges we face in enforcement by undermining and ultimately violating Sub-Decree 133. To give an example, on February 29, 2020, the Australian Ambassador to Cambodia attended the Brand Ambassador Presentation and Dinner with Dealers event, hosted by Australian company Royal Platinum Co. Ltd. During this event, infant baby formula was displayed and celebrated, with the Ambassador was quoted as saying "Each tin of their formula carries the prestigious Australian-made kangaroo logo – made with at least 98 percent Australian ingredients," and "Consumer research indicates that it is the high quality of Australian infant formula that is generating this level of growth [in infant baby formula exports]. As incomes increase in Cambodia, we can similarly expect there to be growing demand for Australian infant formula." These statements promote infant formula and therefore violate Cambodia's Sub- Decree 133. News of this event was covered in the Phnom

Penh Post on March 5, 2020 (<https://www.phnompenhpost.com/post-focus/demand-infant-formula-fuels-australia-cambodia-bilateral-trade>).

The Scaling Up Nutrition Civil Society Alliance (SUN CSA) in Cambodia wrote a letter to the Ambassador (attached) to bring to his awareness the fact that his and Royal Platinum Co. Ltd.'s actions were violating Sub-Decree 133, and to request he review his and the Australian Embassy's connections to Australian baby formula companies, particularly those that are violating Cambodia's Sub-Decree 133, and instead support the protection of infants and young children in the Kingdom through the promotion of optimal breastfeeding practices. However, his response (attached) was less than satisfactory, and dismissed the issue.

Australian BMS companies have also been recorded to use other tactics that violate the Cambodian law, and certainly the Australian law, including inaccurate health claims, engaging with health workers, celebrity endorsements, and a presence in health facilities. Cambodia hosted the Asia Regional Scaling Up Nutrition Civil Society Network for 2019, and similar issues were echoed by civil society actors from throughout the region. This group of key stakeholders continues to share our experiences and attempts to combat these issues to protect the health of our children.

Please accept this letter as an example of the difficulty we face in Cambodia, and the Asia Region, in protecting and promoting breastfeeding where BMS companies continue to disregard our BMS Codes, and as a request to strengthen the Manufacturers and Importers Agreement in Australia to support Cambodia and other Asian countries in combatting this issue.

Please do not hesitate to contact me for any further information.

Best regards,



Mr. Hou Kroeun

Acting Chair, SUN CSA Cambodia



Copy to:

- SUN Government Focal Point
- SUN CSN Secretariat
- SUN CSA Cambodia's Executive Committee's Members
- A&T/FHI360
- WHO/Cambodia
- UNICEF/Cambodia
- HKI's Management