



Civil Society
Alliance
MYANMAR

4 December 2020

Mr. David Hatfield
Director
Competition Exemptions Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Submission on the Infant Nutrition Council (INC) application for revocation of authorisations A91506 and A91507 and substitution of new authorisation AA1000534, Marketing in Australia of Infant Formula: Manufacturers and Importers Agreement (MAIF Agreement)

Dear Mr. Hatfield,

Thank you for the opportunity to comment on the proposed reauthorization of the MAIF Agreement. Our submission provides evidence on how Australian formula milk companies, including those represented by INC, violate national legislation on the WHO Code of Marketing of Breast milk substitutes and subsequent World Health Assembly (WHA) resolutions to the detriment of maternal, infant, and young child health and survival in Myanmar.

Scaling Up Nutrition (SUN) is a global movement to end malnutrition in all its forms by 2030. The vision of the Movement is that every child, adolescent, mother and family can realize their right to food and nutrition, reach their full potential and shape sustainable and prosperous societies. Myanmar is one of the sixty-two countries that have signed up to the SUN Movement in the past 10 years. The [SUN Civil Society Alliance \(SUN CSA\) Myanmar](#) is a network of 72 local and international non-governmental organizations working toward sustained public, political and financial commitment and action to address undernutrition in the country.

Malnutrition is a critical public health problem in Myanmar and a key cause of child death, disease, and deformity. The child mortality rate in Myanmar is among the highest in Southeast Asia – **nearly 1 in 20 children die before they reach their 5th birthday**. Myanmar has the second highest rate of undernourishment in the region. Indeed, **one out of every three children under the age of five is stunted** and at risk of not meeting their full potential.

Breastfeeding is a powerful weapon in the fight to ensure that every child has the best start in life, but aggressive marketing of breastmilk substitutes is undermining mothers' ability to breastfeed. In response, the Myanmar Government passed national legislation on the WHO Code of Marketing entitled [The Order of Marketing of Formulated Foods for Infants and Young Children](#), which **prohibits the**

marketing and promotion of all formula milk and complementary feeding products for children under 2 years of age. The SUN CSA Myanmar supports the Food and Drug Authority Board to monitor and enforce the Myanmar Order by routinely reporting violations and unethical marketing of formula milk.

In violation of Myanmar law, and the MAIF agreement, Australian formula milk companies, including INC members and non-INC members and their distributors, promote their products at points of sale, in the health system, and on social media, using misleading and inaccurate health claims. We have attached a sample of recent violations on Facebook with this letter, all collected within November 2020.

It is the view of the SUN CSA Myanmar that the ACCC should not reauthorize the MAIF Agreement but instead should replace it with mandatory legislation in support of breastfeeding that covers products for children up to three years of age, in line with the WHO Code and the most recent WHA resolutions. Australia should uphold its international responsibilities as a WHA member and trading partner by regulating the marketing of breastmilk substitutes in accordance with WHO recommendations and local law.

The SUN CSA Myanmar will continue to advocate for stronger regulation of the marketing of breastmilk substitutes for the benefit of mothers, babies, families, and society at large. Please feel free to contact me for any additional information.

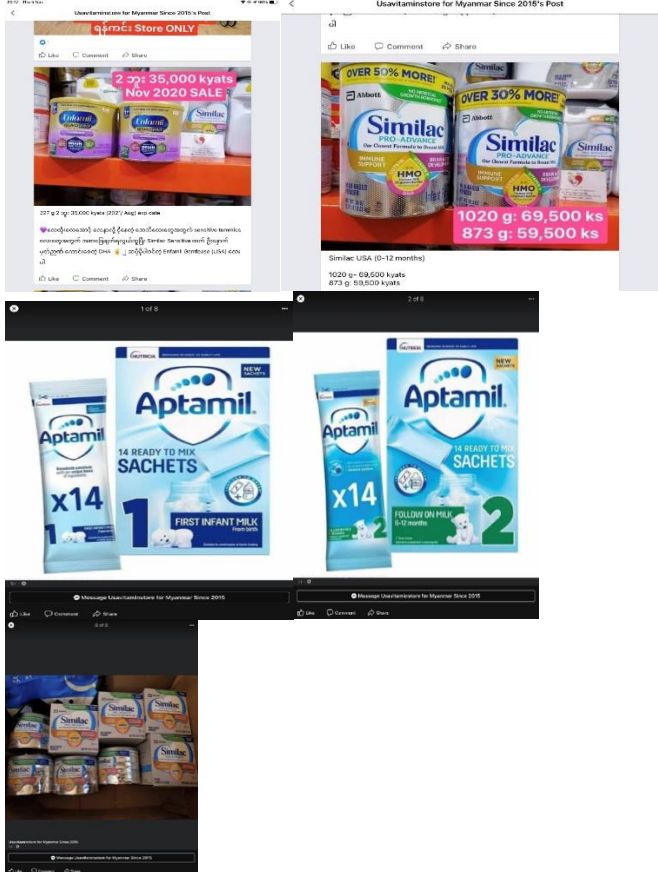
Your sincerely,



Aung Myat Kyaw
Chair
SUN CSA Myanmar



ATTACHMENT: Violations of the Order of Marketing of Formulated Food for Infants and Young Children by Aptamil (Nutricia Australia) in November 2020

Product	Type of Product	Type of violations	Links and photo records
Aptamil (Nutricia Australia)	First Infant Milk – From birth Aptamil 6-12 months Follow up Milk	Labelling of the products and Advertisement and promotion in Nov 2020 describing product as “similar to mothers’ breastmilk” in local language	Photos find after the table and here is the link : https://www.facebook.com/1455403481418801/posts/2549694261989712/?d=n 
Aptamil (Nutricia Australia)	Infant Formula	Advertisement and promotion – products is “Nearly the same as Mothers’ Milk” in local language; video mentions	Aptamil Formula Advertisement : (very bad that they mention that this formula is nearly the same as Mothers’ Milk : the video mentioning that this formula is good for her child immunity). https://www.facebook.com/redtulip.ukandusacounnection/posts/1575351525985097

		that this formula is good for her child immunity.	https://www.facebook.com/lemonbabyaustraliaproducts/posts/3657879354281898
Aptamil (Nutricia Australia)	Infant Formula	Advertisement and promotion Labelling is also not according to BMS Code of Myanmar	- Aptamil Formula Advertisement : mentioning that nearly the same as Mothers' Breastmilk. https://www.facebook.com/omgbaby7777/posts/104388964637192 
Aptamil (Nutricia Australia)	Infant Formula	Advertisement and promotion Promotional Price Reduction	Aptamil Formula Advertisement : mentioning that nearly the same as Mothers' Breastmilk in local language https://www.facebook.com/lemonbabyaustraliaproducts/photos/a.1515155001887688/2093852517351264/ 
Aptamil (Nutricia Australia)	Infant Formula	Advertisement and promotion (Buy 2 Get 1 Umbrella)	- Aptamil Formula Advertisement and promotion https://www.facebook.com/lovebabyandmom1/posts/3173268886122943 

<p>Aptamil (Nutricia Australia)</p>	<p>Infant Formula</p>	<p>Advertisement and promotion (Price reduction promotion)</p>	<p>Aptamil Formula Advertisement and promotion</p> <p>https://www.facebook.com/permalink.php?story_fbid=181750440150322&id=106433137682053</p>  
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