

# Summary of IBFAN responses to WHO's consultation on the draft "Clarification and guidance on inappropriate promotion of foods for infants and young children"

Patti Rundall, IBFAN Global Advocacy

WHO Informal Hearing with NGOs in Official Relations

17<sup>th</sup> August 2015

[prundall@babymilkaction.org](mailto:prundall@babymilkaction.org)

# Background and Scope

- **General:** The guidance must remain focused on ‘inappropriate’ promotion. To do otherwise would undermine the many countries who have forbidden promotion of any product below 2, 3 or 5 years.
- **Para 3** Where is the evidence that nutrients are ‘*typically lacking in essential micronutrients*’? This plays into the corporate marketing strategies that suggest that ‘*nutrients are hard to get.*’
- Better to say: “...**some [commercial foods] can provide essential micronutrients that may be required by young children who may not, for some temporary reason, have access to a normal balanced diet...**
- The high heat processing and storage of commercial foods can destroy essential micronutrients. The highlighting of added nutrients with promotional claims hides the risks and disadvantages of the product as a whole – the cost, the high levels of sugar, salt and other ingredients that can be a burden to a young child’s metabolism. More sustainable, nutritious family foods are not promoted so cannot compete.

- **Para 4** WHA 63.23 referred to *foods for infants and young children* not just complementary foods or 24 months. Breastfeeding and appropriate complementary feeding need to be protected for at least **36 months. Infant formula branding and promotion is used on products for much older children**
- **Para 5.** The Guidance must clarify that if only one of the five specified criteria is not met, then the promotion is inappropriate.
- **Para 8** should refer to any product fed through a bottle, teat or utensil for sucking, any product related to feeding, such as mobile phones other devices. Products marketed to babies before they are born – to pregnant and nursing mothers (milks and supplements for mothers) could also be added.

<http://info.babymilkaction.org/update/update46page19>



Promotion in the UK that implies nutrients are hard to get.

**BFLG**  
Baby Feeding Law Group  
Strengthening UK baby food laws



- Cross branding with infant formula in Bali during the Codex meeting November 2014
- <http://www.babymilkaction.org/archives/2640>



# Recommendation 1 Healthy IYCF

- The term ‘locally available’ is not useful and simply opens the door to any imported processed product.
- The footnote refers to the *Global Strategy on Infant and Young Child Feeding that refers to : “indigenous, nutrient rich foodstuff”* (WHA 54.2; 2001) but fails to refer – as it should – to the widest possible use of indigenous, minimally processed nutrient-rich foods.
- Refer to nationally approved **Food Based Dietary Guidelines (FBDGs) for infants and younger children**, where these are available.
- WHO should make technical assistance available to governments, warning of conflicts of interest

# Recommendation 2 Breastmilk substitutes

- IBFAN welcomes the recommendation that the *International Code* should clearly cover all products that function as breastmilk substitutes including follow-on formulas and so called 'growing up milks.'
- It follows that these products should not be promoted.
- This Recommendation should refer to the subsequent relevant WHA Resolutions and to 36 months.

## Recommendation 3: Products

- Since many governments have banned promotion of all products targeting children under 2,3,4 or 5 years it is important that the Guidance does not undermine such action. The guidance should avoid implying that promotion is permissible/desirable.
- So on the first line Replace the word **promote** - so that the sentence reads:
- *“Foods for infants and young children **should not be placed on the market or traded globally** unless....”*
- WHO as the parent organisation of Codex must take the lead and insist on policy coherence between Codex standards and WHO resolutions and recommendations including on **sugar**. Steps must be taken to protect Codex and WHO from undue commercial influence.



## Recommendation 4 Messaging and Labelling

- The first line should be rephrased to remove the implication that foods should be ‘promoted.’ Better to say: “*The labelling of foods for infants and young children should support optimal.....*”
- **ADD:** Messages and Labels should not *idealise* products in any way. Idealisation implies that the product is better than it is.
- There should be no pictures - except to illustrate preparation. Baby pictures and even vegetables can idealise a product and mislead.
- Right: Nestle Baby Carribean Facebook website uses World Breastfeeding Week to push unhealthy eating messages. August 2015





## Rec 4 No Health or Nutrition claims

- The guidance can go further than the 2010 WHA Resolution (63.23) and state clearly that there should be NO **promotional claims**.
- In addition to proposed new legislation that will allow harmful promotion of formulas and baby foods (from 4 months with 30% sugar), the EU is currently considering **17 claims** relating to neurological, brain development and immunity. These ingredients are mandatory in formulas and can easily be consumed as part of a balanced diet.
- The industry argument that commercial baby foods must use claims to compete with other more inappropriate products is not credible. It would be better, as the draft proposes, that inappropriate products carry warnings, and that standards and regulations require that all products that are marketed meet *“all relevant national, regional and global standards for composition, safety, quality and nutrient levels.”*

## Recommendation 6 Conflicts of Interest

- Infant Feeding companies must not sponsor or give other incentives for programmes and health professionals working in infant and young child health.
- Great care should be taken in emergencies. Products should be bought rather than donated by manufacturers. Commercial donations open the door for exploitation, if not through packaging then through press statements etc.(reports of 'miracle foods' etc)
- Products used in emergencies **should be distributed only by independent persons in unbranded packaging.**
- There should be clarity regarding Micronutrient powders, RUSFs and RUTFS. If used they must not be branded, idealised in any way or marketed. Marketing of these products is inappropriate and problematic. It can undermine breastfeeding and confidence in and acceptability of indigenous, minimally processed, bio-diverse foods; there can be spillover and they can affect children's taste palates.
- 5<sup>th</sup> bullet: After the word **employ** ADD **"pay for, finance"** or replace with
- *"Provide education or information on complementary feeding in health facilities, through published materials or company-contracted staff or paid consultants or give the appearance of providing information approved by health services or health professionals through any promotional media"*

# Other comments

- There should be a recommendation to review Codex nutritional criteria for foods for children under 36 months especially in relation to sugar, salt, flavourings such as vanilla and chocolate that are added largely for marketing purposes and accustom very young children to these flavours and commercial processed foods rather than locally-produced bio-diverse and more sustainable family foods.
- The setting of standards and national policy frameworks but be safeguarded from commercial influence.
- It is not clear why the baby feeding industry has been invited to a Hearing on these guidelines and how WHO's policy setting process will be safeguarded and transparent.
- Fisher-folk, small farmers and pastoralists would be more natural allies in bringing about a return to healthier, more sustainable eating patterns.
- .

# Trade and child rights

- In order to support Member States who face opposition when attempting to introduce strong legislation, a human rights based approach must be used. Reference should be made to the CRC General Comment No. 16 - STATE OBLIGATIONS REGARDING THE IMPACT OF THE BUSINESS SECTOR ON CHILDREN'S RIGHTS
- The *International Code* and subsequent relevant WHA resolutions should be considered "international standards" and not viewed as unnecessary obstacles to international trade.
- The *Codex Code of Ethics for International Trade in Food* calls on national authorities to: *"make sure that the international code of marketing of breast milk substitutes and relevant resolutions of the World Health Assembly (WHA) setting forth principles for the protection and promotion of breastfeeding be observed."*
- **Member States duty to protect child rights and health supercedes corporate rights to use registered brand names and logos and cross-border promotion.**

- Refer to WHA 55.25 [2002] that “ *the marketing of micronutrients must not undermine exclusive breastfeeding*” and Res WHA 54.2 [2001]” *the need for sound and culture specific nutrition counselling and the widest possible use of indigenous, nutrient-rich foods*’
- Definitions could be included for terms such as ‘marketing’ ‘indigenous’ ‘bio-diverse’ ‘sustainable’ ‘culturally acceptable’ ‘minimally processed’ ‘nutrient rich.’
- **Education:** Manufacturers and distributors of breastmilk substitutes should not be involved in education. Their role is outlined in Para 44 of the Global Strategy - to produce safe products marketed according to the Code.  
**Authorities and industry do not share the same goals.**