

**IBFAN COMMENTS ON \*COMPILE DOCUMENT 3 MAY 2016\***

**DRAFT RESOLUTION FOR WHA69:  
Guidance on ending the inappropriate promotion of foods for  
infants and young children**

**IBFAN suggested changes in BLUE**

**PP3:** “WHA 63.23.....urged Member States to end inappropriate promotion of foods for infants and young children.” **ADD:** “and to ensure that nutrition and health claims shall not be permitted for foods for infants and young children, except where specifically provided for, in relevant Codex Alimentarius standards or national legislation”

**PP5:** “Recognizing that the inappropriate promotion of commercial foods for infants and young children can mislead parents and other caregivers about the nutrition and health-related qualities of these foods and about their age-appropriate and safe use, and that the promotion of such products for infants ~~DELETE under 6 months of age~~ has been associated with earlier cessation of ~~DELETE: exclusive breastfeeding;~~”

**PP5 bis** Recognizing that full, accurate and accessible information and policy, economic and social environments ~~DELETE: that support healthy choices~~ are important to enable caregivers to make well informed ~~DELETE choices in~~ infant and child feeding decisions;] USA

**PP5 ter** (~~Delete~~ new text proposed by the USA: *Recognizing that many milk products, including nutrient rich commercially produced foods from a variety of sources, when introduced in accordance with national dietary guidelines, WHO’s and FAO’s dietary guidance or expert advice, are nutritious foods and may play an important role in optimal complementary feeding practices*

**[(PP6.bis)** (~~Delete~~ new text proposed by the USA: *Considering that the Codex Alimentarius Commission is the appropriate body for establishing international standards on food products* (See IBFAN’s suggested change to OP2d).

**OP1** [ENDORSES] / [~~TAKES NOTE OF~~] (~~EU~~) the [technical] (USA) guidance on ending the inappropriate promotion of foods for infants and young children;  
**IBFAN Comment:** The Guidance should be endorsed not just ‘noted.’

**OP2.a)** “to take all necessary measures to implement the guidance on ending the inappropriate promotion of foods for infants and young children, **INSERT** as a minimum requirement ~~DELETE~~ text proposed by the USA: *while taking into account existing legislation and policies, [nutrition and feeding recommendations, and national and international trade obligations, as appropriate*”

**IBFAN COMMENT:** WHA Resolutions must place human health protection above trade obligations and must empower and enable Member States to strengthen legislation as they necessary.

**OP2b):** “to establish a system for monitoring, evaluating and enforcing the implementation of the guidance on ending the inappropriate promotion of foods for infants and young children, **AND** [and to ensure that primary legislation is regulated and appropriate sanctions can be applied when violations occur;”] (~~DEL:~~ EU)

**IBFAN COMMENT** The EU suggests deleting the reference to regulations and sanctions. This defeats the aim of the Guidance. Years of experience with Code implementation have shown clearly that enforcement with adequate sanctions is key.

**OP2c) DELETE** amendments proposed by the EU and Canada: “to implement, ~~[[enact,]~~ (DEL: EU) monitor and enforce] (DEL: Canada) ~~[all provisions]~~ (DEL: EU) of the International Code of Marketing of Breast-milk Substitutes **DELETE:** ~~[while taking into consideration]~~ (EU) and relevant subsequent Health Assembly resolutions;

~~AND [and WHO guidelines on infant and young children nutrition] (EU)~~

~~OR [ensuring that any milk products in either liquid or powdered form that are marketed for feeding infants and young children, including follow-up **ADD:** and Young Child formula **DELETE:** and growing-up milks, are covered by those provisions, and to increase investment for this purpose; ] EU~~

**IBFAN COMMENT:** The amendments proposed by EU and Canada are a backward step and should be deleted. The *International Code* and WHA Resolutions have the same weight and must be read together. They are minimum requirements for all countries. The term ‘Growing Up’ is a health claim. Young Child Formula is better.

**OP2.d** (Delete amendments proposed by the EU and Canada) **DELETE :** ~~to implement, [through national [and/or regional] (EU) legislation,] (DEL: Canada) [respectively, where appropriate, through other types of regulation,] (EU) the Codex Guidelines on Formulated Complementary Foods for Older Infants and Young Children and other relevant Codex standards and guidelines,~~

**REPLACE with:** Codex standards and guidelines must be coherent/brought into line with WHO guidelines and recommendations, including the *International Code of Marketing of Breastmilk Substitutes* and subsequent relevant WHA resolutions.

**IBFAN COMMENT:** **OP2.d** sets a precedent that has risky implications for public health beyond infant and young child feeding.<sup>1</sup> Few Codex texts are fully in line with WHO’s policy and Codex standard of scientific substantiation is inconsistent. The Processed Cereal-Based Food Standard, for example, permits high sugar levels.<sup>2</sup>

**[(OP7.a bis) to review national experiences with implementing the guidance in order to build the evidence on its effectiveness and consider changes, if required;] (USA)**

**IBFAN COMMENT:** This review requires that the endorsement, monitoring and sanctions sections in OP1 and OP2.b are retained. Member States would be wise to call for further work on baby food composition and nutrient profiling before permitting promotion of baby foods.

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<sup>1</sup> A WHA Resolution should not require Member States to adopt Codex standards as law unless they are in conformity with WHO policy and norms. Codex has weak Conflict of Interest rules and its nutrition meetings are dominated by industry (often 40% of the delegates). Although the Codex Code of Ethics refers to all the WHA Resolutions on infant feeding, no Codex standard refers to Resolutions after 2001. The baby food standard permits high sugar levels. Codex is currently reviewing the follow-on formula standard and developing a Guideline for Ready to Use Therapeutic Foods (RUTFs). When deciding on the safety of contaminants, ingredient, additives etc. Codex refers to ill defined terms such as ‘generally accepted’ ‘History of safe use’ ‘science-based’ ‘scientifically demonstrated’ rather than the terms recommended by WHO: “*Relevant convincing / generally accepted scientific evidence or the comparable level of evidence under the GRADE classification*” IBFAN Press Release Nov 2011 *The Business of malnutrition: breaking down trade rules to profit from the poor*  
<http://info.babymilkaction.org/sites/info.babymilkaction.org/files/Codex%20PR%20THURS3.pdf>  
<http://www.fao.org/fao-who-codexalimentarius/meetings-reports/en/?y=2011&mf=07>

<sup>2</sup> Codex Standard for Processed Cereal-based Foods for Infants and Young Children CODEX STAN 074-1981, REV. 1-2006  
[www.fao.org/input/download/standards/290/cxs\\_074e.pdf](http://www.fao.org/input/download/standards/290/cxs_074e.pdf)