

# Brexit and what it means for our work protecting infant and young child health



The UK has now voted in the referendum on its membership of the European Union (EU).

There are pros and cons to any decision and one so momentous for the future of the country has far-reaching implications for every individual, as well as a global impact, and so Baby Milk Action did not make a recommendation either way.

Now the decision has been taken to leave the EU (Brexit), here are some considerations on how it will impact on our work.

## The legal obligation to regulate the market

The UK was one of the strongest endorsers of the *International Code of Marketing of Breastmilk Substitutes* in 1981 and has supported it and the subsequent Resolutions ever since. As a signatory to the *Convention on the Rights of the Child* that came into force in 1990, the UK has had a legal, as well as moral, obligation to protect breastfeeding and fully implement the *International Code* and Resolutions. Up till now, the UK has claimed that EU laws prevent it doing so at home.

Leave campaigners said Brexit would free the Government to make its own laws, so we repeat our call for it to step up and do the right thing: protect children from harmful products and protect parents from the misleading marketing that is doing so much to undermine child health. The majority of British mothers state that they wanted to breastfeed for longer, but the lack of consistent support alongside marketing messages claiming hardly any difference between products and breastfeeding, has led to low breastfeeding rates (the lowest in the world at 12 months of age, at less than 0.5%).

## Vital consumer protection measures must be maintained

New EU Regulations are coming into force over the next few years. With the help of our partners in WHO, UNICEF, IBFAN, the Baby Feeding Law Group, the European Parliament (MEPs) and EU Member States (including the UK) we have won some historic battles in the struggle to establish conflicts of interest rules,<sup>1</sup> and a legally enforceable framework based on the International Code. We have reminded the Commission of its obligation to protect child rights, to stand up to corporate power and consider its global impact.<sup>2</sup> It's easy to forget how important legislation is when tackling global corporations: before 1991 the UK relied on voluntary agreements with industry and promotion and free samples and free supplies of infant formula were common in hospitals. Breastfeeding initiation rates were much lower than they are today. Today, although the EU laws have major flaws and fail to meet the minimum requirements set by the World Health Assembly, they do contain some critically important safeguards. Here are just some:

- The Precautionary Principle (PP) is one of the fundamental principles of the EU. It aims to prevent harm before a hazard has come into existence. The PP distinguishes the EU from countries such as the USA where risky technologies, hormone-laced milk and GM ingredients are allowed. UK babies need the protection provided by the PP.
- In response to our campaign, the EU Parliament voted in January 2016 to reduce sugar levels in baby foods. A Regulation implementing this decision should follow. This must be implemented in the UK to tackle childhood obesity.
- For the first time, the EU Commission has opened a consultation with Member States (MS) on whether to allow any health and nutrition claims for formulas and foods for infants and young children. If the calls by the UK and other concerned MSs to forbid such claims are successful, this could be a major step forward.
- The 1992 EU Export Directive required manufacturers to remove idealising baby pictures and carry warnings and instructions in appropriate languages. Foreign Secretary, Boris Johnston - when a EU Correspondent for the *Daily Telegraph* in 1992 - wrote a front-page article about the importance of this new law.<sup>3</sup>
- Protection for maternity and paternity leave is part of the quid pro quo of being part of the EU free trade area. Following the 6-months exclusive breastfeeding policy UK maternity provision was strengthened further. Leave campaign leaders said they would not weaken these provisions. We will hold them to these pledges.

## Shaping global policy:

As long as the policy of the UK Department of Health supports the *International Code* and Resolutions we will be advocating that it plays a much more active role in bringing global trading standards (set by the UN body Codex Alimentarius Commission) into line with WHO policy. Countries where breastfeeding is a lifeline urgently need this support.

Leave campaigners promoted a vision of an independent UK playing a leading role in the world, so its important that this leads to better protection for human health. Advocacy to this end is a fundamental aspect of Baby Milk Action's work that will not change. We will continue as the joint Coordinator of IBFAN's EU campaign for the foreseeable future, but we will need the support of our members and donors more than ever for the challenges that lie ahead.

<sup>1</sup> *Scientists bow to calls for more transparency*, 22.3.2000, European Voice.

<sup>2</sup> Baby Milk Action report to the European Ombudsman alleging maladministration by Commission staffer. 2008

<sup>3</sup> *EC frowns on dried milk baby smiles*, 8.4.92 Boris Johnson, Daily Telegraph EC Correspondent in Strasbourg.

<http://www.babymilkaction.org/wp-content/uploads/2016/06/Boris-Johnson92.pdf>