

Review of the Follow-up Formula Standard (CXS 156 – 1987)

2020 Consultation Paper – Definition, linkages between definition and name of product, and the JEMNU report on nitrogen to protein conversion factor

Responses due **10 June 2020**

Please provide your responses to this Consultation Paper in the form below and then post your form on the Codex 2020 EWG Follow-up Formula online-platform by the due date. Electronic working group members are reminded that responses to this consultation paper will be used to inform the Agenda Paper for CCNFSDU42, and are not for wider external distribution.

Name of Member Country/Organisation:

International Baby Food Action Network (IBFAN)

1 DEFINITION OF ‘Drink/Product for young children with added nutrients’ / ‘Drink for young children’

QUESTION 1:

What is the purpose of the definition for ‘*Drink/Product for young children with added nutrients*’ and ‘*Drink for young children*’, and what critical elements should form part of the definition?

RESPONSE:

A definition is a regulatory tool that must describe the product as clearly as possible so as to identify it from other products that have Codex standards. The definition should contain no unnecessary, idealising, promotional or deceptive wording which will mask the real lack of nutritional necessity of these drinks.

The Codex standard for Follow-up Formula and Drinks for Young Children relates to products that are industrially produced to replace breastfeeding or other milks. As such, these products function as breastmilk substitutes and their marketing poses serious risks to child health and survival, including the health risks of consuming industrially produced, non-food based nutrients, possibly in excessive amounts. The marketing and labelling of these products must be strictly controlled, at the very least to the same level on infant formula, if the standard is to meet the Codex mandate of protecting consumer health.

In the case of drinks for young children, even though the committee has called for the mandatory addition of certain nutrients, this can in no way match the nutritional composition of breastmilk. Follow-up formula and drinks for young children targeting babies 6-36 months were invented by the baby food industry in an effort to circumvent the International Code of Marketing of Breastmilk Substitutes and subsequent relevant WHA Resolutions, and are recognized to be unnecessary.

CCNFSDU has failed to allow sufficient discussion and consideration of the positions of all member states regarding cross promotion, marketing and labelling of these products. As a consequence the products are highly likely to be confused with infant formula and their global trade risks the replacement of breastfeeding and the undermining of child health.

The name should only be Drink for young children’

The Chairs of the EWG present the following three proposals for the outstanding text within the definition of ‘Drink/Product for young children with added nutrients’ and ‘Drink for young children’ for your consideration.

OPTION	PROPOSAL
1 Accept text in []	Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children] ¹ ¹ In some countries these products are regulated as breast-milk substitutes.
2 Delete text in []	Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children] ¹ ¹ In some countries these products are regulated as breast-milk substitutes.
3 Modified from CAC/GL 8-1991	Drink/product for young children with added nutrients or Drink for young children means a product manufactured for use as a liquid part of the diversified diet of young children [which may contribute to the nutritional needs of young children] [These products provide additional energy and nutrients to complement the family foods derived from the local diet by providing those nutrients which are either lacking or are present in insufficient quantities.] ¹ ¹ In some countries these products are regulated as breast-milk substitutes.

QUESTION 2:

Please select your preferred option for the outstanding text within the definition of ‘Drink/Product for young children with added nutrients’ and ‘Drink for young children’ and provide justification for your response.

Please note, we are not seeking comment on the text already agreed to at CCNFSDU41. The EWG have only been charged with reviewing the outstanding text contained within the [] as per the ToR.

RESPONSE:

IBFAN wishes to reiterate that the WHO resolution 69.9 (2016) and its accompanying WHO Guidance on Ending the Inappropriate Marketing of Foods for Infants and Young Children that categorises drinks for young children as products that function as breastmilk substitutes. If these products are to be included in a standard at all – and IBFAN strongly recommends that they are not - they should be absorbed into one revised infant formula standard.

IBFAN considers Option 2 to be the least risky option. IBFAN strongly opposes Options 1 and 3. Option 3 is especially problematic in that it ascribes an unsubstantiated idealising, wholly risk free value to the product, that will be used by marketers to undermine confidence in breastfeeding and suggest that unprocessed, locally available, bio-diverse, more sustainable, culturally appropriate and invariably healthier alternatives are somehow lacking in nutrients. There is no commonality or consensus in what might be ‘lacking’.

IBFAN strongly objects to the inclusion of the text “with added nutrients” in all three options. This is a nutrient content claim and does not belong in the name. Nutrition information is labelled in the Nutrient Content table.

IBFAN considers that insufficient time was allowed to discuss the risks posed by these drinks.

Several speakers from developing countries, where these products pose increased risk to health, were simply not called upon to speak. The matter was then closed extremely quickly with the two names retained, supposedly “in a spirit of compromise”. Young child health should never be “compromised”.

To have two definitions for the same product will create confusion and will be unworkable in terms of global trade. If countries accept one name will they be forced to also accept the products with the other name?

Codex claims that its mandate is to protect consumer health, and that its standards “are based on sound science provided by independent international risk assessment bodies or ad-hoc consultations organized by FAO and WHO.” There is no independent risk assessment body that considers these products to be nutritionally necessary in the diets of young children. The global consensus, which CCNFSDU acknowledges, is that these products are not necessary.

Please remove the hyphen in breast-milk substitutes and change ‘some countries’ to ‘many countries’.

2 NITROGEN TO PROTEIN CONVERSION FACTOR

QUESTION 3:

To what extent does the JEMNU Expert Panel report need to be considered by CCNFSDU for the revision of the draft standard/s for follow-up formula for older infants and Drink/Product for young children with added nutrients, Drink for young children?

RESPONSE:

JEMNU Expert Panel report can be taken into account.

QUESTION 4:

Can a NCF for follow-up formula for older infants and Drink/Product for young children with added nutrients, Drink for young children be considered in isolation from infant formula?

RESPONSE:

No. The globally accepted recommendation for infants and young child feeding is exclusive breastfeeding for the first six months of life and continued breastfeeding to two years or beyond with the addition of family based complementary foods commencing after six months. ¹

The continuum of these products from infancy to 36 months function as breastmilk replacements and hence all come under the scope of the International code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions to limit their non-essential use and reduce the

¹ **Global strategy for infant and young child feeding.** WHO 2003 14. *Inadequate knowledge about appropriate foods and feeding practices is often a greater determinant of malnutrition than the lack of food...*15. *Providing sound and culture-specific nutrition counselling to mothers of young children and recommending the widest possible use of indigenous foodstuffs will help ensure that local foods are prepared and fed safely in the home.*

associated health and mortality risks.

QUESTION 5:

Do you agree with the Expert Panel conclusion that the selection of the most appropriate NCF (in this case for follow-up formula for older infants and Drink/Product for young children with added nutrients, Drink for young children) ultimately depends on whether the primary aim of determining protein content is to ensure adequate delivery of amino acids or delivery of total protein? Yes/No

RESPONSE:

This is not important since the young child will be consuming a varied diet of family foods and if the child is no longer breastfed then it will be preferable to consume other mamalian milks rather than expensive and industrially produced drinks. Infant formula can be consumed to the age of 12 months and beyond or, if needed, other mamallian milks after 12 months.

If yes, what should be the process for addressing this question?

How (and by whom) should this work be undertaken?

RESPONSE:

QUESTION 6:

What are the implications of a change in the NCF (if supported) in the standard/s for follow-up formula from the status quo of 6.25?

RESPONSE:

This is not relevant since these products are not necessary and young children are consuming a varied family food based diet.